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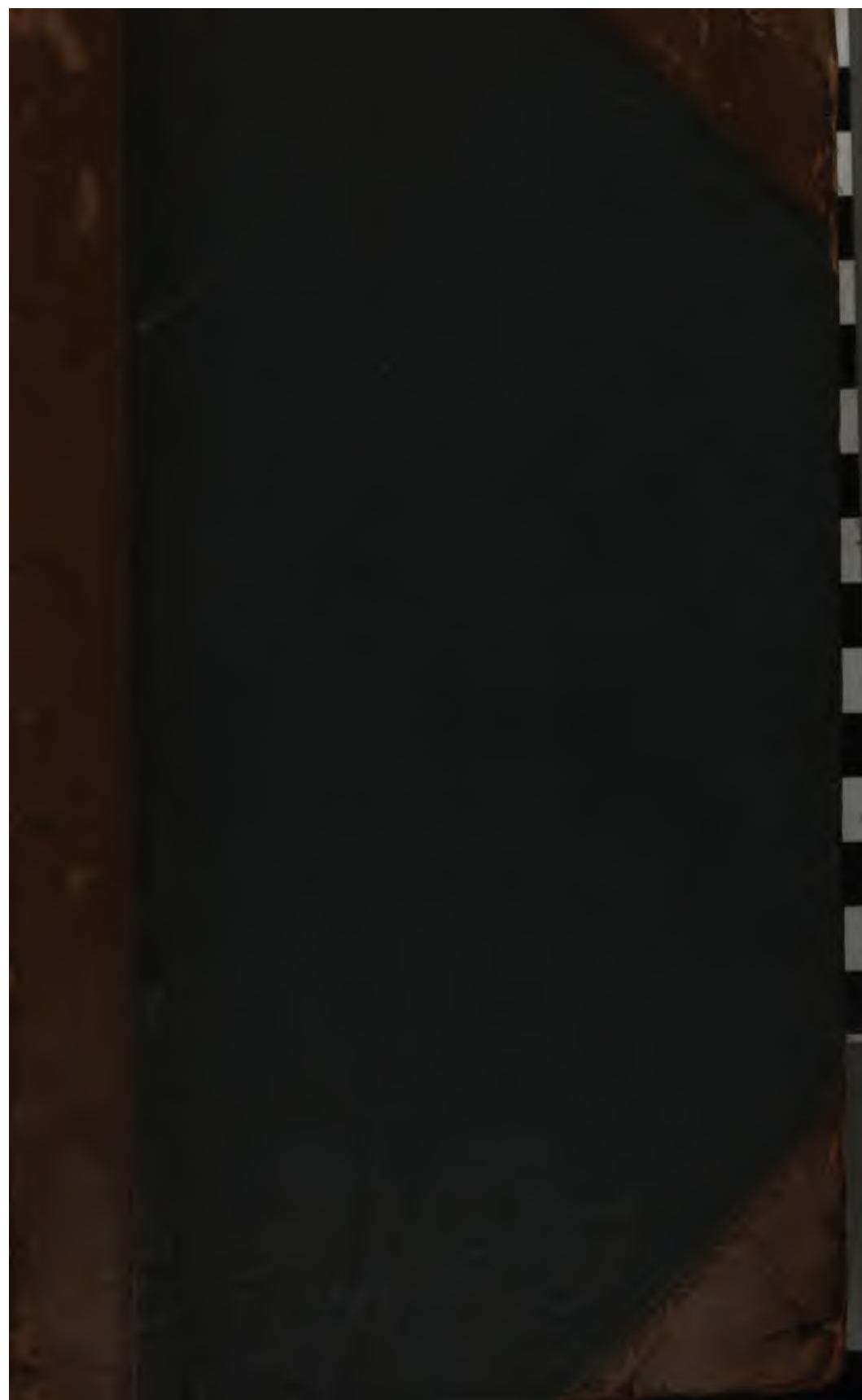
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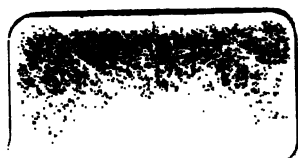
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THE LIFE
OF THE FIRST
EARL OF SHAFTESBURY.
VOL. I.

LONDON:
PRINTED BY SAMUEL BENTLEY,
Dorset Street, Fleet Street.





John Ashmole, Esq.
1673-1742

London Published by Richard Bentley 1836.

THE LIFE
OF THE FIRST
EARL OF SHAFTESBURY,

**FROM ORIGINAL DOCUMENTS IN THE POSSESSION
OF THE FAMILY.**

BY MR. B. MARTYN AND DR. KIPPIS.

NOW FIRST PUBLISHED.

**EDITED
BY G. WINGROVE COOKE, ESQ.**

AUTHOR OF "MEMOIRS OF LORD BOLINGBROKE."

IN TWO VOLUMES.

VOL. I.



LONDON:
RICHARD BENTLEY, NEW BURLINGTON STREET.
Publisher in Ordinary to His Majesty.

1836.

618.



PREFACE.

THE following work is a history of one of our most distinguished statesmen and orators. It was originally written by men of acknowledged literary merit, who had access to all the private papers of the Earl, and were assisted by all the information concerning him which could be gathered by his descendants. Although thus derived from the most authentic sources, and originally intended to be given to the world, it has hitherto remained unpublished; and a short statement of the history of the work is now necessary to its identity.

Shaftesbury's love of literature was apparent in his descendants for several generations. The assiduous care which he bestowed upon the education of his grandson was, perhaps, the remote cause of

the following vindication of his own memory. This grandson inherited with the title the genius of his grandfather ; and is no less known as the author of the "Characteristics," than the first earl is as the author of the Habeas Corpus Act and the Exclusion Bill. The fourth Earl did not derogate from the honours of his house : like his predecessors, he was distinguished as a keen advocate for popular rights, and as a munificent patron of literature. This patronage, at a time less propitious than the present, when literature stood in need of patrons, produced the following work.

It was a natural ambition for the descendant of so distinguished a character, to be desirous of clearing the founder of his family from the clouds of abuse which the court writers had rolled around his memory. For this purpose his lordship obtained the assistance of Mr. Benjamin Martyn, a gentleman who had achieved a high literary reputation by the production of a successful tragedy. Mr. Martyn and the Earl were long engaged upon their task, and employed great care in the collection and examination of materials.

It happened that Dr. Birch was at the same time preparing his General Biography, and he wrote the memoir of the third Earl (the author of the Characteristics) entirely under the superintendence of his son.* A frequent correspondence was therefore carried on upon literary subjects between the fourth Earl, Mr. Martyn, and Dr.

* As it has been often supposed that the fourth Earl was the author of this Memoir, I insert the following letters which point out exactly the share he had in its composition.

“ MY LORD,

“ Mr. Martyn having informed me that your lordship was desirous of perusing again the manuscript of your father's life, I take this opportunity of returning my humble thanks for the valuable Memoirs and Papers with which your lordship was pleased to furnish me. These, with what further additions or alterations you shall think proper to suggest, will enable me to give the public a just idea of a character which has been extremely injured by the misrepresentations of party men and bigots; and it will be the highest satisfaction to me to be in any measure the instrument of removing the prejudices which have been unjustly raised against a noble writer, whose works alone, when impartially considered, are a sufficient testimony that he was not only a friend to morality and virtue, but likewise a zealous advocate for those principles which are the foundation of all religion. I am, my Lord,

“ Your Lordship's most obliged and

“ Most obedient, humble servant,

“ St. John's Lane, Clerkenwell,

“ THO. BIRCH.”

“ London, July 22, 1738.”

Birch, great part of which is still extant among the Birch Manuscripts in the British Museum.

In this correspondence the anxiety with which original information was sought is very apparent;* and, from Mr. Martyn's letters, the progress of the work, which was frequently interrupted by his

"SIR,

" St. Giles's, July 26, 1738.

" I take the first opportunity to thank you for your letter, and for the papers sent me at the same time with it, concerning my father's life. As soon as I have finished the addition I propose making to it, I will return it to you again to complete what you have thus far done so judiciously. I am, Sir,

" Your most humble servant,

" SHAFTESBURY."

The third letter seems to relate to the completion of the article.

"SIR,

" Grosvenor Square, May 18, 1752.

" Doctor Hales left me the papers to peruse and forward to you afterwards, which I herewith send ; and indeed I proposed to have sent them some time since, but I waited for Mr. Martyn's recovery, who has been confined a great while, though now he is pretty well again. As he is so, I take the first opportunity of desiring the pleasure of your company to meet him here at dinner next Wednesday, if you are not engaged.

" Your most humble servant,

" SHAFTESBURY."

* He is particular in his inquiries for some letters said to exist from Sir Anthony to Henry Cromwell, and also for some papers which the Duchess of Kent had shown to Dr. Birch, from which it appeared that Shaftesbury had, upon many oc-

illness, may in some measure be traced. In a letter dated from St. Giles, (the seat of the Shaftesbury family,) November 27, 1738, after speaking of a recent sickness, Mr. Martyn says, "In the intervals of my pain I have been much taken up in looking, with Lord Shaftesbury, over a great heap of his great-grandfather's papers, among which I have met with some anecdotes that I fancy will please you, and a great many rough undigested hints that only serve to give one an idea of the extent of his capacity, but are not a sufficient foundation for forming anything on them in his life. These are interspersed with several things in Mr. Locke's hand, and (which I believe you will wonder at,) some copies of verses of his writing; one I shall be able to show you when I come to town. It is addressed to Greenhill the painter, upon his drawing Lord Shaftesbury's picture in 1672, which is hung up here and very finely done." *

casions, opposed Charles's prodigal grants to the Duchess of Cleveland. He does not, however, appear to have been successful in his inquiries, and all trace of these documents is now lost.

* These verses are inserted, *post*, vol. ii. p. 13.

The allusions to the work then growing under his hands are generally in this strain, either canvassing the materials before him, inquiring for other channels of information, or thanking his correspondent for hints already received. When Dr. Birch's Memoir of Shaftesbury was completed, this work was also in a state of forwardness, since he had there mentioned it in very favourable terms, and spoke of it as immediately about to appear. This passage, however, at the instance of Lord Shaftesbury, was omitted. "I have shown the Life (says Martyn) to Lord Shaftesbury; he very much approves of it, but is of opinion that the following paragraph ('as will be sufficiently shown in an history of his life the public may soon expect, from the most authentic memoirs,') should be omitted, and I agree with his lordship, because it may tend to raise the expectation of the people, and is in no respect necessary." *

Whether the work was completed by Martyn, or whether it was broken off by his illness or his

* Aysc. Cat. fol. 4313. 132.

appointment to an office in the customs, I have no means of knowing. If it was completed, the original intention of publication was abandoned, since at his death, in 1763, it was still in manuscript.

The fourth Earl of Shaftesbury died in 1771, leaving the work still unprinted, as appears from the quotations it contains from Sir John Dalrymple's *Memoirs*, the publication of which was not completed until 1773. The work was then taken under the protection of his son, the late Earl, by whom it was consigned to Dr. Kippis, the well-known editor of the *Biographia Britannica*.

This author has left some account of the work, and of the share which he had in its composition, in his notes to the memoir of Shaftesbury in the *Biographia Britannica*; which the peculiar facilities he enjoyed, enabled him to render one of the most valuable in his elaborate work.

After mentioning the materials from which this Life was compiled, and the labours of the original author, the Doctor continues, "Notwithstanding the pains that had been taken by Mr.

Martyn, the late Earl of Shaftesbury did not think the work sufficiently finished for publication ; and therefore, somewhat more than twenty years ago,* he put it into the hands of his friend, Dr. Gregory Sharpe, Master of the Temple. All however that Dr. Sharpe performed was to recommend it to the care of a gentleman, still living, who is distinguished for his accurate acquaintance with the history of England, and for the astonishing precision and extent of his memory with respect to facts, dates, and persons which occur in the whole course of that history. This gentleman examined Mr. Martyn's manuscript with attention, pointed out its errors, made references, and suggested a number of instances in which it might be improved, but did not proceed much further in the undertaking. At length the work was consigned to another person, who spent considerable labour upon it, enlarged it, and contemplated availing himself of every degree of information which might render it a correct history of the

* This volume of Dr. Kippis's edition of the Biog. Brit. was published in 1789.

time, as well as a narrative of the life of Lord Shaftesbury. The reasons (not unfriendly on either side) which prevented the person now mentioned from completing his design, and occasioned him to return the papers to the noble family, are not of sufficient consequence to be here related. Whether the work is likely soon to appear, it is not in our power to ascertain.*

I have been informed that an edition was soon after printed off; but that, with the exception of two copies, the whole impression was immediately destroyed: one of these copies is in the library of the present Earl; from the other copy this edition is printed.

As the present copy has no title-page, it is impossible to determine its date; but, from various circumstances, we may conjecture that the work upon which so much care was originally bestowed, was at last neglected, and passed through the press without any further revision.

In preparing this biography for publication, I

* Malone says that Dr. Kippis received 500*l.* for his labours upon this work.—*Life of Dryden.*

have found it necessary to add many notes, and supply some important omissions. I have also subjoined a final chapter upon the character of the Earl, which will, I hope, remove that appearance of indiscriminate eulogy too prominent in the work.

This work is valuable as the authenticated record of the acts of one of our greatest statesmen: in the hope of rendering it yet more so by the insertion of the fragments which remain, I applied to the present Earl for permission to peruse the original papers; his lordship, however, declines allowing any one to have access to them.

I do not of course mention this circumstance at all in the language of complaint. The public have no right to require, however much they may expect, information that can only be obtained from private papers. I only wish to guard myself against the supposition of having neglected an obvious source of information.

The new matter which I have introduced will be readily distinguished. Where any important

omission was to be supplied, it has been inserted into the text; but the passage is invariably placed between brackets; and the additional notes are numbered consecutively throughout.

Temple, March 1836.

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ADDENDA.

Mr. Malone, in his *Life of Dryden*, is very angry with Stringer for relating the anecdote inserted in p. 20, and with Martyn for copying from him. He has clearly proved that it is untrue. Erasmus-Henry, the poet's youngest son, and the only one educated at the Charter-house, was not admitted until February 5, 1682-3, a few days after Shaftesbury's death. He was admitted upon the nomination of Charles the Second. Malone only knew this work from the quotations from it in Kippis's article in the *Biographia Britannica*. The refutation is equally honourable to the Earl and the poet : to the Earl, as affording the highest proof of his judicial integrity, since it drew such admiration from an enemy ; to the poet, as releasing him from that imputation of ingratitude which must have rested upon him had he written his poem of the Medal against a man from whom he had received so important an obligation.

The following paragraph was omitted in Vol. I. page 320, after line 13 :

"The original article has since been published by Lord John Russell, in his *Life of Lord William Russell*, and the treaty at length by Dr. Lingard, in the Appendix to the seventh volume of his *History of England* : but although the sums stipulated to be paid by Louis were considerably less than those stated in the draft, the scope of the treaty was precisely the same."

THE LIFE

OF THE

EARL OF SHAFTESBURY.

INTRODUCTION.

HISTORIES of former ages are allowed to be useful, by bringing down their most illustrious persons to our acquaintance, and giving us the benefit of their conduct. But the examples of excellent men of our own country must have a more lively and extensive influence ; because we are engaged in the same interest, have the same constitution to preserve, and, perhaps, ought to pursue the same measures which they have espoused, and with steadiness and vigour maintained. The true spirit of liberty is cultivated by observing the lives of its assertors ; and an impartial review of the principles and proceedings of our most eminent patriots may probably raise up and animate new ones. If to oppose a growing arbitrary

power in every insidious and artful step of its progress—to be first in raising, and the chief in conducting, a legal, constitutional, and spirited opposition, at the expense of ease, health, and fortune, at the utmost hazard of life and in the most critical times, be the characteristic of a patriot, no man ever had a juster title to it than the first Earl of Shaftesbury, who seems to have imbibed in early youth the genuine spirit and love of English liberty. Its generous flame he cultivated and improved in maturer life, and maintained an inviolable attachment to its essential interests to the very last. The love of liberty was his ruling passion. Neither sickness, sufferings, nor age itself could weaken its force. His zeal for the public was as ardent, as the occasion for it was extraordinary. The violence of the court measures required a person as active and steady as he was. A lukewarm zeal had been insufficient, and had only strengthened the hands of the court against the people.

If it be considered with how much acrimony his character was treated in his life-time by venal writers for a corrupted court, incensed at his conduct and interested in his destruction, or with what credulity later authors have taken up all the

aspersions then thrown upon him, and with what partiality they have misrepresented him, it may be thought an act of justice to set him in a true light ; and as this is done in the following work by a plain narrative of his actions and conduct, supported by the evidence of authentic vouchers, I have no doubt but the attempt will be received with that candour to which truth is always entitled.

It is not only a justice to his memory, but may be of advantage to the public ; for if fixing ignominy upon those who interest themselves in a peculiar manner for their country may discourage others from an active life, the removal of that ignominy may incite them to follow such examples.

The Earl of Shaftesbury had himself written a history of his own times, and, when he was forced to fly into Holland to avoid the designs which the court had formed against him, he intrusted it to the care of Mr. Locke, with whom he became acquainted upon the following occasion. When he was at Oxford, in the year 1666, he was confined to his chamber by an illness, which was owing to an accident he met with at the Restoration. He had been sent with other commissioners from the parliament to Breda, to invite King

Charles the Second to his dominions, and was overturned in his passage through a town in Holland. By his fall he received a great bruise in his side, which grew by neglect to an abscess. Mr. Locke, who was a student of Christ Church, and had a physician's place there, was desired by Dr. Thomas to wait on him with an excuse for the doctor's not attending him himself. Lord Ashley (this was his title at that time) * received him with his usual civility, and was so pleased with his behaviour and conversation, that he desired his company at supper; and finding Mr. Locke to be a man of excellent parts, and of a disposition equal to them, he conceived a very great friendship for him, which he steadily preserved to the end of his life. He took him into his house, made him his secretary, and, when lord chancellor, preferred him to be secretary of the presentations. After the seals were taken from Lord Shaftesbury, he, for a very moderate con-

* "Milord Ashley le reçut très-civilement, selon sa coutume, et fut satisfait de ses excuses. Comme il voulut se retirer, Milord, qui avoit déjà pris beaucoup de plaisir dans sa conversation, le retint à souper : et si ce seigneur prit du goût

aux discours de M. Locke, ce dernier fut tout-à-fait charmé de Milord Ashley, qui étoit un homme très-distingué par son esprit et par ses manières, même parmi les personnes de son rang."—Le Clerc, *Bibliothèque Choisie*, tom. vi. p. 353.

sideration, gave Mr. Locke an annuity of a hundred pounds per annum, which was paid till his death. As Lord Shaftesbury entered into the greatest intimacy with him,¹ he imparted to him his most secret thoughts concerning the government, and all his schemes for the better regulation of it; and by his constant conversation upon public affairs, he first gave Mr. Locke those excellent notions of government which appear in

¹ The friendly freedom which marked the intercourse between these two great men is well exemplified by an anecdote told by Le Clerc.

Locke was one day dining with three or four of Lord Ashley's particular friends, men who were all looked up to as the leading characters of the age. After dinner, cards were introduced, and the company were soon intent upon their game. Locke declined joining the card-party, but occupied himself in writing with great seriousness in his pocket-book, apparently absorbed in his occupation. Lord Ashley at length found leisure to look around him, and, noticing his friend's industry, insisted upon knowing what he was writing. "My lord," answered Locke, at last, "I endeavour to get as much as I can in your good company; and having waited with impatience for the honour of being present at a meeting of the wisest and most ingenious men of the age, and enjoying at length this happiness, I thought it proper to keep a note of your conversation, and I have accordingly been setting down what has been said within this hour or two." Locke was immediately called upon to read, and his report was found highly amusing; but the company were so little individually satisfied at being thus sketched in dishabille, that the cards were soon laid down.

his essays upon that subject. In these, Mr. Locke maintains the same principles which were always so strenuously asserted by Lord Shaftesbury, at whose desire he turned his thoughts and study this way.*

Mr. Locke, soon after the death of Lord Shaftesbury, was, in the most arbitrary manner, turned out of his student's place of Christ Church by the king's absolute command to the dean and chapter of the college; and the only reason assigned for it was, his having belonged to Lord Shaftesbury; as may be seen by the king's order, and the Earl of Sunderland's letters to the dean of the college, and the dean's answers to them. These letters have never yet been printed, and therefore the reader may be pleased to see them:† they carry in them a full conviction that Lord Shaftesbury

* “ Il voulut qu'il s'appliquât plutôt à l'étude des choses qui concernent l'état et l'église d'Angleterre, et de ce qui peut avoir quelque rapport aux soins d'un ministre d'état; et il devint si habile en cette sorte de choses, que Milord Ashley commença à le consulter en toutes les occasions qui s'en présentoient.”—*Bibliothèque Choisie*, tom. vi. p. 356.

† To the Lord Bishop of Oxon.
Whitehall, Nov. 6, 1684.

MY LORD,

The king being given to understand that one Mr. Locke, who belonged to the late Earl of Shaftesbury, and has upon several occasions behaved himself very factiously and undutifully to the government, is a student of Christ Church; his majesty commands me to sig-

much obstructed the measures of the court, when they were destructive of the constitution. This the court could not forgive, and its resentment

nify to your lordship, that he would have him removed from being a student; and that in order thereunto your lordship should let me know the method of doing it. I am,

My lord, &c.

SUNDERLAND.

To the Right Hon. the Earl of Sunderland, Principal Secretary of State.

Nov. 8, 1684.

RIGHT HON.

I have received the honour of your lordship's letter, wherein you are pleased to inquire concerning Mr. Locke's being a student of this house; of which I have this account to render,—that he being, as your lordship is truly informed, a person who was much trusted by the late Earl of Shaftesbury, and who is suspected to be ill affected to the government, I have for divers years had an eye upon him; but so close has his guard been on himself, that, after several strict inquiries, I may confidently affirm, there is not any man in the college, however familiar

with him, who has heard him speak a word either against or so much as concerning the government; and although very frequently, both in public and private, discourses have been purposely introduced to the disparagement of his master the Earl of Shaftesbury, his party and designs, he could never be provoked to take any notice, or discover in word or look the least concern; so that I believe there is not in the world such a master of taciturnity and passion. He has here a physician's place, which frees him from the exercises of the college, and the obligation which others have to residence in it; and he is now abroad upon want of health; but, notwithstanding, I have summoned him to return home, which is done with this prospect, that if he comes not back he will be liable to expulsion for contumacy; and if he does, he will be answerable to the law for what he should be found to have done amiss; it being probable, that though he may have been thus cautious here,

must have been very great, since even after his death it could exert itself on an innocent man, only because he had been Lord Shaftesbury's

where he knew himself to be suspected, he has laid himself more open at London, where a general liberty of speaking was used, and where the execrable designs against his majesty and his government were managed and pursued. If he does not return by the first of January next, which is the time limited to him, I shall be enabled of course to proceed against him to expulsion; but if this method seem not effectual or speedy enough, and his majesty, our founder and visitor, shall please to command his immediate remove, upon the receipt thereof, directed to the dean and chapter, it shall accordingly be executed by,

My lord,

Your lordship's most humble
and most obedient servant,

JOHN OXON.

To the Bishop of Oxon.

Whitehall, Nov. 12, 1684.

MY LORD,

Having communicated your lordship's of the 8th to his majesty, he has thought fit to direct me to send you the en-

closed, containing his command for the immediate expulsion of Mr. Locke.

SUNDERLAND.

To the Right Rev. Father in God John Lord Bishop of Oxon, Dean of Christ's Church, and to our trusty and well-beloved the Chapter there.

Right Rev. Father in God, and trusty and well-beloved, we greet you well. Whereas we have received information of the factious and disloyal behaviour of Locke, one of the students of that our college, we have thought fit hereby to signify our will and pleasure to you, that you forthwith remove him from his student's place, and deprive him of all the rights and advantages thereunto belonging. For which this shall be your warrant. And so we bid you heartily farewell. Given at our court at Whitehall the 11th day of November 1684.

By his majesty's command,

SUNDERLAND.

friend.² I do not know any author who has

To the Right Hon. Earl of
Sunderland, Principal Se-
cretary of State.

Nov. 16, 1684.

RIGHT HON.

I hold myself bound in duty
to signify to your lordship,
that his majesty's command
for the expulsion of Mr. Locke
from this college is fully exe-
cuted.

JOHN OXON.

To the Bishop of Oxon.

MY LORD,

I have your lordship's of the
16th instant, and have ac-
quainted his majesty there-
with; who is well satisfied with
the college's ready obedience
to his commands by the expul-
sion of Mr. Locke, &c.

SUNDERLAND.³

² The account of this disgraceful transaction, given by Anthony Wood in his *Athenæ Oxonienses*, is highly characteristic of that quaint and amusingly bigoted writer. "In 1672," he says, "Locke became secretary to Anthony Earl of Shaftesbury, lord chancellor of England, stuck close to him when he was discarded, took the degree of Bachelor of Physic in 1674, and afterwards was assisting to the said count in his designs when the popish plot broke out, and carried on the trade of faction beyond and within the seas several years after. In 1683, when the crop-eared plot broke out, he left Oxon, and conveyed away then with him several letters and writings without being searched; otherwise, had he been a favourer of the papists, he would have been ransacked to the purpose; and going beyond the seas to Holland, he became a great companion with Ford Lord Grey of Werk, Rob Ferguson, and other factious people at the Hague. He was complained of by the English resident there to Charles Earl of Middleton, secretary of state to his majesty King Charles the Second, who, giving notice of it to Dr. John Fell, dean of Christ Church, and wondering that he should be suffered to keep any place of profit there, he was thereupon deprived of his student's place in Nov. 1684."

³ Le Clerc, who wrote with this correspondence before him,

mentioned this circumstance of Mr. Locke's expulsion, except M. Le Clerc. He has quoted some part of the bishop's letter which relates to Mr. Locke's character. These letters were transcribed from Mr. Locke's own copies, and sufficiently evince the arbitrary spirit which then prevailed.

Upon the infamous execution of Mr. Algernon Sydney, for an act of treason supposed to be proved by papers found in his closet, Mr. Locke

seems to have thought that the bishop (Dr. Fell was bishop of Oxford as well as dean of Christ Church) was anxious to prevent Locke's expulsion. This certainly does not appear from the documents themselves; on the contrary, he distinctly declares, that he has frequently had recourse to artifice to entrap him in his conversation. It appears that the bishop was not left alone to the performance of the honourable office of spy; he ventures to speak for "every man in the college, however familiar with Locke." Lord Grenville, in his tract called "*Oxford and Locke*," endeavours to throw all the odium of this transaction upon the court. It is, however, but too plain that the authorities of his college had long been practising schemes against him, and that it was only upon their failure that the arbitrary power of the crown was had recourse to. Lord Grenville's defence is, however, written in an excellent and liberal spirit: he has clearly proved that no blame is imputable to the *university*, as a body, from this transaction. In his attempt to exculpate the college, I cannot think him equally successful.

The original warrant for the deprivation of Locke has the sign-manual prefixed.

became alarmed ; and as he knew the jealousy the court had conceived of him, and was afraid of a like prosecution, he burnt the Earl of Shaftesbury's history.

The loss of this book is much to be regretted, since his lordship had, even according to the confession of his enemies, so extensive a genius, and was so intimately acquainted with the secret springs of all transactions, that no man of his age was so qualified as himself to transmit them to posterity. Most writers of history are so far removed from the knowledge of these, that their works must necessarily be very defective : for being never admitted into the cabinet, or even near it, they know the motives of very few actions ; yet, being unwilling to appear ignorant of them, they will either upon hearsay evidence (which is seldom to be credited), or from their own conjectures, assign reasons for what they relate, which may, and probably must, be remote from the truth : nay, they often give an erroneous account of the actions themselves.

Some loose papers, part of this work, are yet remaining : the following passage is transcribed from them, as it shows the candour with which

he entered upon it. "Whoever considers the number and the power of those adversaries I have met with, and how studiously they have, under the authority of both church and state, dispersed the most malicious slanders of me, will think it necessary that in this I follow the French fashion, and write my own memoirs, that it may appear to the world on what ground or motives they came to be my enemies, and with what truth and justice they have prosecuted their quarrel; and if in this whole narration they find me false or partial in any particular, I give up the whole to whatever censure they will make."

He began his history from the Reformation. He seems to have traced out the springs, and to have marked the progress, of the several differences between the crown and the people, which at last produced the civil war. From hence he observed what was defective in the constitution, for securing, in a better manner, the civil and religious rights of the people. He was particularly excellent in his characters. Some few are remaining in fragments of his papers; King Charles the Second's, the Duke of York's, the Duchess of Portsmouth's, and the Earl of Danby's are drawn with great spirit. In the

king's there are proofs of a real affection for him. He says, that if he had been so happy as to have been born a private man, he would have been much beloved; for he had parts, good-nature, and excellent breeding. But being a prince, by his pleasures, his indolence, his confidence in a minister whose abilities were not equal to the trust, and his complaisance to a brother whose person he did not love, and whose understanding and qualities he despised, he brought himself to such an unhappy state, that no one person could place dependence on him. Lord Shaftesbury certainly had a love for the king. This appears by all his speeches, even when he was most at enmity with the court, and when with great boldness he censured its proceedings. As this affection to the king was manifested during his variance with the court, and he had too much frankness to disguise his opinion, and to conceal his displeasure with the measures that had been taken, it cannot be conceived that he would feign a tenderness which he did not possess.

Mr. Locke, by way of reparation for burning the original memoir, intended afterwards to write the history of this illustrious statesman, and in his works there are some particular facts which he put

down as they occurred to his memory.* The editor of his posthumous works informs us, that he would have gone on farther if time and health had permitted him ; but that he was interrupted by death before he could make any great progress.

The few particulars which he has written must give every reader a high idea of his lordship. It is a great misfortune that Mr. Locke did not finish his life, as he was so long and so intimately acquainted with him.

Mr. P. Coste, who lived many years in the same family with Mr. Locke, in his character of him has the following passages :—

“ Mr. Locke loved to confirm his opinion on any subject by that of the famous Earl of Shaftesbury, to whom he took a delight to give the

* These are called “ Memoirs relating to the Life of Anthony first Earl of Shaftesbury,” and are printed in the fourth volume of the 4to edition of Locke’s Works : there are also some further particulars contained in the tract called “ A Letter from a Person of Quality to his Friend in the Country,” by the same author, and printed in the same volume. The court party ordered this letter to be burnt by the common hangman, and so it was. “ But,” says Andrew Marvel, “ the sparks of it will eternally fly in their faces.” I mention this tract more particularly because it was at the time supposed to have been in a great measure dictated by Lord Shaftesbury. Wood and Walpole reckon it among his works.

honour of all the things which he thought he had learnt from his conversation."

"Nothing ever gave him a more sensible pleasure than the esteem which that earl conceived for him, almost the first moment he saw him, and which he afterwards preserved as long as he lived; and, indeed, nothing sets Mr. Locke's merit in a brighter light, than his having had the constant esteem of my Lord Shaftesbury, the greatest genius of his age, who was superior to so many eminent and able men that shone at the same time in the court of Charles the Second, not only for his resolution and intrepidity in maintaining the true interests of his country, but also for his great abilities in the conduct of the most knotty affairs. When Mr. Locke studied at Oxford, he fell by accident into his company in the manner already mentioned; and one single conversation with that great man won him his esteem and confidence to such a degree, that soon afterwards my Lord Shaftesbury took him to be near his person, and kept him as long as Mr. Locke's health or affairs would permit. That earl particularly excelled in the knowledge of men. It was impossible to catch his esteem by moderate qualities: this his enemies themselves could never

deny. I wish I could, on the other hand, give a full notion of the idea which Mr. Locke had of that nobleman's merit. He lost no opportunity of speaking of it, and that in a manner which sufficiently showed he spoke from his heart. Though my Lord Shaftesbury had not spent much time in reading, nothing, in Mr. Locke's opinion, could be more just than the judgment he passed upon the books which fell into his hands. He presently saw through the design of a work; and without much heeding the words, which he ran over with vast rapidity, he immediately found whether the author was master of his subject, and whether his reasonings were exact. But, above all, Mr. Locke admired in him that penetration, that presence of mind, which always prompted him with the best expedients in the most desperate cases; that noble boldness which appeared in all his public discourses,—a boldness ever guided by a solid judgment, which, never allowing him to say anything but what was proper, regulated his least word, and baffled the untiring vigilance of his enemies.”⁵

⁵ Coste proceeds to ascribe to the patronage of Lord Shaftesbury that knowledge of the world and leisure for study which enabled Locke afterwards to enrich our literature and immortalize himself.

M. Le Clerc, in his eulogium upon Mr. Locke, says, that "to the end of his life he recollected with the greatest pleasure the delight which he had found in the conversation of Lord Shaftesbury; and when he spoke of his good qualities, it was not only with esteem, but even with admiration. If those who knew the penetration and sincerity of Mr. Locke conceived a high idea of Lord Ashley, those who have had any acquaintance with this last cannot doubt but Mr. Locke was a man of an uncommon genius, when they think of the esteem which this lord had for him." *

He was, says M. Le Clerc, "a nobleman that had an uncommon vivacity and penetration, a solid judgment, an excellent memory, and a great and generous way of thinking; and with all this, a gay and lively temper, which he pre-

* "M. Locke a rappelé pendant toute sa vie avec beaucoup de plaisir la mémoire de la satisfaction qu'il avoit eue dans la conversation de ce seigneur; et lorsqu'il parloit de ses bonnes qualités, non seulement il en parloit avec estime, mais encore avec admiration. Si ceux qui ont bien connu la pénétration et

la sincérité de M. Locke conçoivent par là une haute idée de Milord Ashley, ceux qui ont eu quelque commerce avec ce dernier ne peuvent pas douter que M. Locke ne fût un homme d'un génie peu commun, lorsqu'ils pensent à l'estime que ce seigneur avoit pour lui."—Le Clerc, *Bibliothèque Choisie*, tom. vi. p. 355.

served in the greatest perplexity of his affairs. He had read much, but had still more knowledge of the world; so that he acquired in a short time a very great experience, and became the greatest statesman in England, and at an age in which others only begin their acquaintance with public affairs. The posts which he was in, from the time King Charles the Second employed him, prevented his application then to much reading; but he had such an apprehension, that in a cursory view of a book, he would discover the strength and weakness of it, in a better manner than others who read it at leisure. He was easy and open in his behaviour, a great enemy to compliments, and had not the least formality in him; so that one was not under any constraint with him, but had all the liberty to be wished. He could familiarize himself with all the world, without any meanness, or doing anything unworthy of his rank. He could not bear any servility, not only in himself, but even in his inferiors." *

Though Lord Shaftesbury was affable in his temper, and free from pride towards his inferiors, yet where he entertained contempt for an

* Bibliothèque Choisie, tom. vi.

individual, he was too apt to show it. This, however, was never founded on any disparity of fortune, but appeared only when persons assumed a merit to which they had no just title, and when they were too busy in matters beyond their knowledge. This behaviour undoubtedly created him many enemies, and gave birth to most of the slanders which were published of him.

These attacks were very numerous. They provoked, however, no other feeling in his lordship than mere contempt: they could not rouse him to an answer, or to take any notice of them, though several occasional discourses were written by him, or by his direction. They never even moved him to resentment; for where the authors had any real worth, he readily showed his sense of it, and his forgiveness of their abuses. An instance of this appears with regard to Dryden, whose fortune and spirit were vastly inferior to his genius. As the greatness of this made him useful to the court, the want of the other threw him into its power; and he was often forced to prostitute his talents to its pleasure or revenge. His "Absalom and Achitophel" is one of the finest satires that had then ever appeared.

The design of it was to expose several lords and others who had opposed the measures of the court. As Lord Shaftesbury for some years stood the foremost of these, the chief force of the satire is pointed at him ; yet, after the poem had been published, when his lordship, as a governor of the Charter-house, had the nomination of a scholar, without any application from Dryden, or from any person in his favour, he gave it to one of his sons. Upon this, Dryden, to be grateful, resolved to show him some justice in this very poem ; and therefore celebrated his conduct as lord chancellor in the following lines :

In Israel's court ne'er sat an Abethdin
With more discerning eyes, or hands more clean,
Unbrib'd, unsought, the wretched to redress,
Swift of dispatch, and easy of access.

When King Charles read these lines, which were not in the first edition, he told Dryden that he had spoiled all which he had said of Shaftesbury by them.

I shall not in this relation enter into any public affairs which have been mentioned by other authors ; unless where it may be necessary to lead the reader into a knowledge of his lordship's

conduct in them. The facts which are told by Mr. Locke, I have inserted in the order in which they happened; and likewise a letter of his to Mr. Stringer, never yet published. This was written from Oxford during the sitting of the parliament there, and gives an account of some transactions in it; and of one particular affair, viz. the withdrawing of a bill of great consequence from the table of the house of lords in the former parliament, when it was ready for the royal assent. The few speeches which remain of Lord Shaftesbury's I have introduced in those periods of his life in which they were spoken. The other parts of the relation are taken chiefly from the loose papers of his lordship, or from a manuscript account written by a gentleman who was many years near his person. This was Thomas Stringer, Esq. of Joychurch, near Salisbury, whom I just now mentioned, who had an excellent understanding, great knowledge in the law, and a warm affection for the interest of his country. He had a remarkable probity and evenness of temper, and was strictly faithful to his trust.⁶ These qualifica-

⁶ This Mr. Stringer, from the intimacy he enjoyed with the Shaftesbury family, must have possessed the very best oppor-

tions made him worthy of the confidence of Lord Shaftesbury, and entitled him to the friendship of several persons of the first rank, as the Duke of Kingston, Earl of Pembroke, Lord Somers, Lord Lexington, the Earl of Fitzwalter, Edward Ash, Esq. Commissioner of Trade, and others. He was a familiar acquaintance of Mr. Locke. He died in 1702, being greatly esteemed by the gentlemen of the country where he resided. He had, for some years before, been chairman of the quarter sessions, when they were held at Salisbury.

As I have mentioned two very distinguished names, Mr. Locke and M. Le Clerc, who have spoken favourably of Lord Shaftesbury, it may not now be improper just to take notice of the principal authors who have mentioned him to his disadvantage, and of the particular prejudices which some of them had against him. It may be thought too much to attribute all they say to this motive; but if their prejudices can

tunities for writing the life of his early patron. By a letter written to that gentleman by the third Earl, while Lord Ashley, dated 1695, and preserved among the Harleian MSS., it appears that he then enjoyed the confidence and esteem of the grandson, as he had formerly that of the grandfather.

be pointed out, and it can be incontestably proved that their accounts of the many facts which they relate are erroneous, it is not unfair to suppose that they wrote under the influence of their private passions.

Sir Roger L'Estrange, who was continually publishing against him invectives which generally died with the day, was the noted hireling of the court. He had, besides this, a particular motive for his spleen against Lord Shaftesbury. His lordship, as chairman of a committee of the house of lords, made a report to the house, that Mr. Roger L'Estrange had been several times at mass, and had owned himself to be of the church of Rome: Mr. L'Estrange acted in the commission of peace at this time, notwithstanding the test act of 1672, which incapacitated every papist. Their lordships summoned him to attend, which summons he did not obey; and they then ordered that he should not be permitted to license the printing of any more books, and that the lord chancellor should put him out of the commission.⁷

⁷ L'Estrange, however, very solemnly denied this charge. There is still extant, among the MSS. in the British Museum, the original of a declaration made by him at St. Giles's church upon the sacrament, in which he says he never was in a popish

Sir William Temple justly enjoys the character of a very elegant author ; but in his political conduct and writings, he carried his notions of prerogative and paternal dominion to a very great height ; and was, therefore, in his public principles directly opposite to Lord Shaftesbury. When his lordship was chancellor of the exchequer, he gave Sir William a private reason for his resentment, by opposing the king's giving him a present of plate, which he demanded upon his coming from Holland. This Mr. Stringer mentions in his manuscript, as does M. Le Clerc in his eulogium upon Mr. Locke.* To this may be added another cause of Sir William Temple's anger. Lord Shaftesbury was very free in his censures of the

* “Cependant le Chevalier Temple a parlé désavantageusement de lui, dans ses mémoires, et a insinué qu'il étoit l'un des auteurs de la guerre de 1672, contre les Provinces Unies. Mais on doit savoir qu'il n'aimoit pas Milord Shaftesbury, parce que ce dernier, étant chancelier de l'échiquier, s'étoit opposé à un présent en vaisselle d'argent, qu'il déman-
doit au roi, au retour de son ambassade, selon un usage, que le chancelier jugeoit très préjudiciable aux finances du roi. Cette raison est assez forte pour ne pas se fier à Mons. Temple sur le chapitre de Milord Shaftesbury.” — Le Clerc, *Bibliothèque Choisie*, tom. vi. p. 364.

chapel in England from the year 1660 to that date (the 12th April 1682); and that he neither was, nor ever had been, nor ever pretended to be, in the communion of the Church of Rome.

treaty of Nimeguen ; he exclaimed against it openly, as it dissolved the grand alliance, which a few years before had been formed against the power of France ; in forming which he had a great share. I have by me a short state of the nation which Lord Shaftesbury drew up at the meeting of the new parliament, March 6, 1668-9. In this he says, " That this treaty was concluded by the mediation, or more properly enforced by the English court : that by this treaty the crown of England received no honour, nor any visible advantage ; but was left exposed, as well as the Emperor, the King of Spain, and the States General, to the mercy of the French : that all the arts imaginable were used to draw off the States from the confederacy : that notwithstanding the English nation in general, and the parliament, desired a war with France, and our court had made a league with the States to enter into one, yet these, seeing the influence which the court of France had over our councils, and being jealous of the English forces, which were sent into Flanders to amuse the parliament, and draw supplies from them, by the persuasion of our minister made a separate peace : that Spain, being thus forsaken by the Dutch, apprehensive of the English

forces, and knowing the ascendant which the French king had over the English court, signed also a dishonourable treaty : that the Emperor soon followed the example, and made a peace for himself, leaving the King of Denmark, the Elector of Brandenburg, and other protestant princes to provide for themselves : that thus France, with the assistance of England, assured to herself the greatest part of the vast conquests and accessions she had made to her empire ; and broke the strength of her enemies more effectually by the peace than she could have done by the war ; it being impossible to form a new association among princes who could not have any confidence in one another." Sir William Temple and Sir Leoline Jenkins were our ministers at this treaty of Nimeguen ; and though Sir William acted under positive orders from his court, yet very probably he could not easily pardon any reflections upon a work in which he had been an actor. His anger appears very plainly whenever he mentions Lord Shaftesbury ; but the grounds of it are not always so obvious. His disapprobation is always general ; he lays nothing particularly to his charge ; and though in one place he has insinuated (as M. Le Clerc says) that his lordship was one

of the advisers of the war against the Dutch, he in other places imputes it wholly to the violent temper and counsels of Lord Clifford ; as will appear in the following work.

Father Orleans gives this character of Lord Shaftesbury : “ He had a vast genius, was penetrating, bold, and equally steady both on the right and wrong side ; a constant friend, but an implacable enemy ; and the more dangerous, as, being void of all religion and conscience, it was the easier for him to plot, because he was not deterred by the number or enormity of any crimes, when he judged them necessary to preserve himself, or destroy those who had incurred his hatred.”⁸ It must be observed, that the learned

⁸ This passage in the original runs thus : “ Antoine Ashley Cooper, Comte de Shaftsbury, et Grand Chancelier du Royaume. Cet acteur, si célèbre dans les dernières scènes que nous a données l’Angleterre, étoit le plus propre de tous à conduire une grande entreprise ; aussi étoit-il l’ame de celle-ci ; esprit vaste, éclairé, audacieux, intrigant, également ferme dans un bon et dans un mauvais parti, pendant que ceux à qui il s’attachoit ne lui donnoient point sujet de changer ; constant ami, mais ennemi implacable ; et d’autant plus dangereux, que ne ménageant rien avec la religion et la conscience, il étoit moins embarrassé à trouver les moyens de nuire ; n’étant effrayé ni de la grandeur ni de la multitude des crimes, quand il les croyoit nécessaires ou pour se conserver, ou pour perdre ceux qui s’étoient attiré sa haine.” The enterprise of which the reverend Jesuit thus

Jesuit had no knowledge of Lord Shaftesbury : he wrote his history from the mouth of King James the Second after the Revolution, and in the midst of that king's resentment for the loss of his crown ; a loss owing to his religion, and to his perverse and strong attachment to arbitrary power, both which Lord Shaftesbury so long and so strenuously opposed in every step of their progress. This opposition, with his being such a constant enemy to France, could not entitle him to Father Orleans's good opinion.

I do not think it very material to mention Mr. Archdeacon Echard upon this occasion. It is plain that he did not make much inquiry into the character of Lord Shaftesbury, since he contented himself with copying from Father Orleans, whom he could not but know to be a prejudiced writer.

Bishop Burnet is still less favourable to Lord Shaftesbury than Father Orleans. He does not allow him any of the good qualities, and scarce one of the qualifications, which his greatest enemies have acknowledged. The bishop, indeed, owns that Lord Shaftesbury was angry with him

describes Shaftesbury to have been the soul, had as its object the rendering Charles an absolute monarch by means of foreign troops.

for his endeavours to discredit the popish plot; and upon one occasion he says, Lord Shaftesbury railed so at him that he went near him no more. I have by me the manuscript of one Mr. Wyche,* who had an office under Lord Shaftesbury, wherein he says that Lord Shaftesbury slighted the bishop to a very great degree, and shunned his acquaintance. This contempt the bishop might not deserve, and, perhaps, could not very well bear. He is exceedingly unhappy in his estimate of Lord Shaftesbury's character, and mistaken in almost every fact which he relates of him. This will be made evident from the journals of parliament, and very authentic vouchers.

* Among the papers belonging to the Shaftesbury family, has been found a character of this Mr. Wyche, drawn up by a person well acquainted with him. It will probably be acceptable to the reader.

“ He was a man of the law, and clerk to Mr. Justice Sir Samuel Eyre. Mr. Justice Eyre was a standing council concerned in Lord Shaftesbury's affairs, and he recommended him to Lord Shaftesbury as a faithful amanuensis, who might be trusted upon any occasion.

He was accordingly trusted by Lord Shaftesbury in transcribing papers of the utmost consequence, from the year 1669 or 1670, to the end of Lord Shaftesbury's life. He took down thoughts as they were dictated by the great men at meetings; one in particular from Lord Holles, near the end of his life. The late Lord Chief Justice Eyre, who had such a thorough knowledge of Mr. Wyche's integrity, used to say of him, that he had, at the latter end of King Charles

Rapin, in his account of the transactions of those times, had no other guide than the authors before mentioned; yet he sees through their prejudices very plainly, and cautions his readers against too implicit a belief in them. This he does merely from a cool consideration of what they relate, without a knowledge of any private memoirs to bias him in Lord Shaftesbury's favour. I cannot help here taking notice of one passage in Rapin. When he makes his observations on Father Orleans's character of Lord Shaftesbury, and hints at the partiality of it, he says, "Mr. Locke speaks otherwise of him; it is true he says nothing advantageous of him in respect of religion." Rapin would not have made this last observation, if he had considered, that Mr. Locke's is not a complete and regular account of Lord Shaftesbury: it is only a memorandum of some few facts which he wrote down as they occurred to his memory, and for fear they should slip out of it. By the style they are plainly his

the Second's time, written more
treason than any man in the
kingdom. He was a man of
slow parts, but scrupulously
exact in matters of testimony,
which his great length of days
occasioned his being called
upon sometimes to give. The
truth of this is known to se-
veral people now living. He
lived at Salisbury till his
death."

rough draught; and are so indigested, that some things after the Restoration are set down previous to others which happened before it. Lord Shaftesbury was, however, very regular in his attendance on divine worship; he kept a chaplain constantly in his house. This gentleman's name was Highmore. His lordship was the great patron of the eminent Dr. Whitchcot, who lived very much with him, and, together with Mr. Locke, was one of his most constant companions. The doctor preached most of his sermons that are printed before him; and the last Lord Shaftesbury* is said to have published, from a manuscript copy of his grandfather's lady, the first volume of his works, called *Select Discourses*.

Bishop Burnet represents Lord Shaftesbury to have been variable in his principles; and says,

* It hath been supposed of Stephens, rector of Sutton, in late, that the *Select Discourses* Surry, and not by the third of Dr. Whitchcot were published by the Rev. Mr. William Earl of Shaftesbury.⁹

* I know not upon what ground this supposition proceeds. The article "Shaftesbury," in the *General Dictionary*, which we have seen was carefully revised by the fourth earl, declares that "it was under his father's particular inspection that a volume of Dr. Whitchcot's select sermons, with a preface, was published in 1698, from copies of them which had been taken in short-hand as they were delivered from the pulpit."

that he was not ashamed to reckon up the many turns he had made; and that he did this with so much vanity and little discretion, that he lost many by it.¹⁰ It seems very improbable that so wise a man, so versed in affairs that required secrecy, should, for no reason, with no views, lay himself open to this censure. Besides, the bishop, in fact, gives an answer to himself, by what he says in the same sentence, "that Lord Shaftesbury was to the last much trusted by all the discontented party." I have some hopes that by the following sheets he will appear to have acted very consistently; that from the beginning to the end of his life he maintained the same principles; and that the changings and fluctuations, at the time he lived in, were in the government, but not in his conduct.

As to later writers of the English history, I shall take no particular notice of them in this

¹⁰ In a note upon this passage of Burnet, written by the first Earl of Dartmouth, but published since this work was originally printed, his lordship says, "I was told by one that was very conversant with him, that he had a constant maxim never to fall out with anybody, let the provocation be never so great, which he said he had found great benefit by all his life; and the reason he gave for it was, that he did not know how soon it might be necessary to have them again for his best friends."

place; because most of them have only repeated the accounts of Lord Shaftesbury which have been given by the authors already mentioned.

Nothing is more difficult than to root out those prejudices which have been long growing in our minds; yet nothing more deserves the persevering attention of a rational creature, who must otherwise live in a constant subservience to the little passions of those who implanted them. In investigating the character of Shaftesbury, let us therefore exercise our own reason, and enter into a calm examination of the facts before us.

These lie open to every one's understanding, and are the best, if not the only evidence, we can rely upon in our judgments of any man's public character. In his private one we must depend on the authority of his relations, his friends, and those who were chiefly about him. And these have concurred in the same testimony with regard to Lord Shaftesbury, that he filled up all the private offices of life, as a master, a friend, a husband, and a father, with great humanity, integrity, and affection. Some of his letters to his lady, that are still preserved, are proofs of the tenderness which he had for her.

Though his engagements in public affairs were

so various and incessant, he was strictly careful in the management of his own estate. He was exact in this to a surprising degree. He inspected all his accounts himself; and, as he had great skill in husbandry, he was as particular in his directions for the cultivation of his lands, as any country gentleman who had no other employment of his time or thoughts. He looked on the preservation of his estate as the best support of independency, and the best fund for his generosity, which many persons of worth and learning experienced, some by occasional, others by annual donations.

If any facts mentioned in the present performance are proved to be false, or unfairly stated, they will be readily retracted. This work is written only from the love of truth, and to the lovers of truth it is addressed.

CHAPTER I.

Account of Sir Anthony Ashley Cooper's birth, education,
marriage, and first entrance into parliament.

ANTHONY ASHLEY COOPER, Earl of Shaftesbury, A.D. 1621.
who was born July 22, 1621, descended from His Birth.
very ancient and considerable families. His father was Sir John Cooper, Bart. of Rockborne, in the county of Hants. His mother was Anne, the only daughter and heiress of Sir Anthony Ashley, Bart. of Wimborne St. Giles's, in the county of Dorset.

The care of his education was first committed Education.
to Mr. Guerdeau, a fellow of Queen's College in Cambridge, and afterwards doctor of physic in London, who was chosen by the grandfather for the strictness of his principles;* Sir Anthony saying, "Youth could not have too deep a dye of

* After his father's death, the care of a gentleman of Sir Anthony was four years Oriel College in Oxford, a under the tuition of a Mr. master of arts. Fletcher, and one year under

A.D. 1621. religion ; for business and conversation in the world would wear it to a just moderation."

A.D. 1631. By the death of Sir John Cooper, in 1631, he succeeded to the title of baronet, and an estate of 8000*l.* a year ; the greatest part of which had been entailed on him by his grandfather, who died in the year 1627.

Early proof
of his activity.

The vivacity of his genius was conspicuous in his youth by the progress which he made in his studies ; and the activity of his disposition soon found an opportunity of discovering itself in the following remarkable occasion. His father leaving his own estate charged with debts, some of his relations and neighbours, Sir Francis Ashley (his grandfather's brother), Mr. Tregonwell, Sir William Button, and others, formed a scheme for getting advantageous purchases, by procuring an immediate sale of great part of the estate. Sir Francis was the king's serjeant-at-law. By his means, and under pretence of being creditors, they engaged Sir Walter Pye, attorney of the Court of Wards, a corrupt man, who then had great influence in that court, to get a decree for the sale ; and being with some of their friends made commissioners for this, they disposed of

the estate to one another. Sir Anthony's trustees, who were excluded from the commission, desired time to sell the lands at better rates, and that Sir Anthony (who had an estate from his mother's father, for which he was not in wardship) might be allowed to be a purchaser himself. This was pressed in open court, but refused, unless the purchasers would consent; which could not be expected, as they knew the value of their bargains, and had taken such irregular steps to gain them. A.D. 1631.

The trustees, upon this, refused to convey the lands, and were therefore committed by the Court of Wards to the Fleet, and kept in confinement till they consented. But, notwithstanding their forced conveyance, they preferred a bill in equity against Sir Francis Ashley and the others, upon consideration that they had before agreed with a purchaser for the lands, for Sir Anthony's use, at a much greater value. Sir Francis being sensible that the separate estate, which his brother left to his grandson, enabled the trustees to make this opposition, immediately projected the total ruin of his nephew's fortune; and desired to be heard in behalf of

A.D. 1631. the king, to show that the deed by which Sir Anthony claimed that estate was not sufficient

A.D. 1634. to preserve it from wardship. A day was appointed for the hearing. Mr. Noy was then attorney-general, having been an intimate friend of old Sir Anthony. He had drawn his will; but it was imagined he would not undertake to support the cause against the crown, and without him it would be in imminent danger from the influence which the crown had in that court. Sir Anthony (then but thirteen years old) went alone to Mr. Noy, and acquainted him with the proceedings, saying he had no one to depend on but him, who had been the friend of his grandfather. Noy was pleased with his spirit and behaviour, and told him he would defend the cause, though he should lose his place; and accordingly performed his promise with success, and without taking any fees.¹¹

¹¹ This gentleman has all the credit of having originated the claim of the crown to ship-money. The king's orders were imperative to discover some statutable mode of raising money; so, in the words of an old law writer of the period, "Away goes the subtle engineer, and at length from old records bolts out an ancient president of raising a tax for setting out a navy in case of danger. The king, glad of the discovery as treasure

Though Sir Anthony carried this cause, his estate suffered very much by the hasty and clandestine sale of such a part of it. However, it furnished him with an opportunity, some years afterwards, of showing his generous and reconcileable temper. Rockborne, which was his father's seat, was sold to Mr. Tregonwell, who was in such haste for the purchase, that he was not sufficiently careful in examining the title. Sir Anthony discovered that this estate had been entailed at his father's marriage, and that his

A.D. 1634.

Instance of his generosity.

trove, presently issued out writs for providing twenty-seven ships of so many tons, with guns, gunpowder, tackle, and all other things necessary. But this business no sooner ripened than the author of it dyeth." This account is repeated by many old authors, and particularly by Heylyn in his *Life of Laud*, who gives a circumstantial account of the manner in which Noy had long preserved all the extracts and precedents in favour of naval aids that he could gather from the old records, which formed his favourite study. "He kept them," says Heylyn, "in the coffin of a pye which had been sent him by his mother, and kept there till the mouldiness and corruption had perished many of his papers." But notwithstanding this story, and notwithstanding the reported remark of Laud, that, of a layman, Noy was the man who had rendered his majesty greater service than any other in his kingdom, it is impossible that Noy could have originated this idea, since it was acted upon, although not to the same extent, before Noy had received the attorney-generalship as the price of his desertion,

A.D. 1634. father had not levied any fine to cut off the entail. He, therefore, immediately commenced a suit against Mr. Tregonwell, who was grandson and heir of the purchaser. Mr. Tregonwell, whether from a sense of a defect in his title, or the injustice of his grandfather, proposed to Sir Anthony (who was his relation) that, if he might be permitted to enjoy that estate during his life, he would not only consent that it should return to Sir Anthony, but as he had himself no children, he would settle

and while he was yet a keen and able advocate of the popular cause.

His conduct to our young baronet is not the only instance of kindness related of Noy. He was one day in court when a case was being tried in which a poor widow was the defendant. Three graziers at a fair had left a sum of money with her, and one of them coming back, received the whole sum deposited, and ran away. The other two then sued the woman for delivering what she had received from the three before the three came and demanded it. The widow's counsel had abandoned the case in despair, and the jury were about to return their verdict for the plaintiffs when Noy, who was not retained, took part in the defence. "The defendant," he said, "has received the money of the three together; that she confesses. She was not to deliver it until the same three demanded it; that the plaintiff's insist. Agreed. Well, the money is ready; let the three come together to receive it, and it shall be paid." This defence soon put an end to the action.

his own estate upon him likewise. Sir Anthony A.D. 1634. replied, that he would not consent to Mr. Tregonwell's settling his own estate to the prejudice of his family ; nay more, since Mr. Tregonwell had been so frank in his offer, he should not only retain Rockborne for his own life, but his wife should hold it for her's also, in case she should survive ; and upon these terms he concluded an agreement with Mr. Tregonwell, who enjoyed that estate near forty years.

In the year 1636 Sir Anthony went to Exeter A.D. 1636. College at Oxford, under the immediate tuition Of his courage. of Dr. Prideaux, rector of the college. The circumstances of his affairs obliged him to go to London in term-time, and he was entered of Lincoln's Inn. Thus he soon acquired an useful education, by being led into an early knowledge of the world. As his reading enlarged and improved his conversation, this quickened and strengthened his application to the other. His wit, affability, and liberal temper, soon distinguished and procured him esteem in the university ; and his courage making him the leader of all the young men of his college, he showed several instances of that spirit which he so remarkably maintained through the whole course

A.D. 1636. of his life. Among others, one was in opposing and breaking a custom extremely absurd, but of great antiquity in the college, which was called tucking the fresh-men. On a particular day, the senior under-graduates, in the evening, called the fresh-men to the fire, and made them hold out their chins; whilst one of the seniors, with the nail of his thumb (which was left long for that purpose) grated off all the skin from the lip to the chin, and then obliged him to drink a beer-glass of water and salt. The time approaching when Sir Anthony was to be used thus; he, finding the fresh-men a numerous body, engaged them to stand stoutly in defence of their chins. Accordingly, they all appearing at the fire in the hall, one of the seniors (who was the tyrant of that day) called Sir Anthony; when he, according to agreement, gave the signal to the juniors by striking the senior a box on the ear, and immediately a skirmish ensued, in which some of the seniors were severely beaten; nor was an end put to the combat till Sir Anthony had made proper terms for the juniors. At this time Dr. Prideaux came in to appease the mutiny; and the doctor, always favourable to youth in offences which proceeded from cou-

rage, granted them a pardon, and an abolition A.D. 1638.
of that ridiculous custom.*

Some time after Sir Anthony had been at A.D. 1638.
Oxford, several matches were proposed to him; His mar-
but, by the advice of his guardian, he made his riage.
addresses to one of the Lord Keeper Coventry's
daughters;¹² and his estate and character carrying
with them a powerful recommendation to the
father, as his youth and behaviour did to the
lady, who was a woman of admirable beauty, ac-
complishments, and virtue, he succeeded in his
suit, and was married on the 25th of February
1638-9, being under eighteen years of age.

After his marriage, he lived with his father-in-
law at Durham House and Canbury, till the Lord
Keeper's death, which was in January 1639-40.
During this interval, he accompanied his brother-
in-law, Mr. Coventry, into Worcestershire, where
he was soon distinguished for the gaiety of his
temper. Among the sprightly sallies which gained
him the reputation he then enjoyed, of being an
amusing companion, were some conjuring tricks,

* Stringer.

¹² This lady was niece to the Earl of Southampton, who
afterwards held the office of Lord Treasurer to Charles II.

A.D. 1638. which he accomplished by means of a confidential servant. This man, when his master went to any house, easily gained admittance among the female servants by his knowledge in the reigning fashions; and such opportunitie she always improved to obtain intelligence of the love affairs of the family. These he conveyed to Sir Anthony, who never failed to turn them into mirth, by pretending knowledge in palmistry, and telling fortunes. It is not improbable but some such a trifling story as this, which was merely a sally of youth and humor, might be the foundation of Bishop Burnet's remark, "that he had the dotage of astrology in him to a high degree."¹³

¹³ The bishop is, however, somewhat circumstantial in what he says. "He told me," he adds, after the passage quoted in the text, "that a Dutch doctor had, from the stars, foretold him the whole series of his life. But that which was before him when he told me this, proved false, if he told me true, for he said he was yet to be a greater man than he had been." It has been said, however, that Shaftesbury was in the habit of amusing the bishop with these tales to baffle his attempts to discover his political intrigues.—*Seward's Anecdotes*.

We find also in an old memoir of Shaftesbury, called *Rawleigh Redivivus*, a similar story. While Sir Anthony was yet a boy, a German, who had been persecuted in his own country on account of his Protestant opinions, found a refuge in the hospitality of the Coopers. The young baronet quickly excited his attention; and we are told that he was able, so precocious

During his stay with Mr. Coventry, the principal people of the town of Tewkesbury invited their neighbour, the Lord Keeper's son, to a public dinner. All the neighbouring gentry were, upon

A.D. 1639.

Occasion of
his being
brought into
parliament.

was his intellect, to comprehend the most abstruse subjects that this gentleman proposed to him. Delighted with the ability and attention of his young pupil, the German, one day, addressed him thus: "Child! if thou wilt be religious and keep close to God, and take care to avoid the vain and destructive allurements of profaneness and debauchery, and entertain a fixed resolution to improve all thy parts and abilities for the advancing the Protestant and the prejudice of the Romish religion, you shall be a man of the largest parts in Christendom, and shall be an instrument of doing an extraordinary piece of service to your prince, which shall be very acceptable to him; whereupon you shall stand high in his favour, and be promoted to very great honour; yet shall afterwards lose the prince's favour, and be as much disrespected as before honoured and admired; yet, at the same time, you shall be one of the most popular men under heaven, &c. And that you may know this will fall out according to my prediction, pray remember this that I am now going to tell you, and write it down in your pocket-book that you may not forget it:—Not long after your coming from the university, you shall be in extreme danger of drowning," telling him the very day when it should happen. The legend goes on to tell how, upon the day specified, Sir Anthony, who was then studying for the bar, was induced by his companions to go by water to Greenwich. As he stepped into the boat, the prediction and the coincidence occurred to him, and he would have returned, but his companions refused to allow him. The boat was upset, but all the party were saved. This prophecy was, of course, never heard of until long after its fulfilment.

A.D. 1630. this occasion, likewise invited. At the dinner, Sir Anthony was placed near the upper end of the table, opposite to Sir Harry Spiller, one of the queen's council, a crafty perverse man, and so extremely vain, that he despised all whom he thought his inferiors. Sir Harry opened the conversation with many affronts to the bailiffs and their entertainment, which provoked and discountenanced both them and the rest of the townsmen who were at the entertainment; and the more, as the affront was given in the presence of the first gentlemen of the county, before whom they were willing to appear to the best advantage. When he had discharged abundance of his spleen and rough raillery, Sir Anthony thought it proper, as their guest, to encounter him: and being greatly superior in understanding to Sir Harry, he retorted his raillery with such wit and success, that he obtained a complete victory, and silenced him. This gained Sir Anthony the hearts of the people: he was made free of the town; and the next parliament, (which was called for April 13, 1640,) though he was absent, was not nineteen years old, and had no estate in the county, he was, without any application, or even his knowledge, unani-

•

mously chosen one of their representatives;* and A.D. 1640. he served them faithfully during the very short time in which that parliament sat. His being thus early and honourably introduced into parliament, rendered him more emulous to appear deserving of the trust reposed in him. He diligently attended the house of commons, in order to get an insight into the state of the nation, and every day wrote an account of their proceedings. From this time he turned his thoughts towards the service of the public: he cultivated the acquaintance and friendship of the principal gentlemen in Dorsetshire and the adjacent counties: he established frequent meetings among them; and his temper recommending him to them, the opportunity of conversation gave him a perfect †

* Stringer.

memoirs, and carry in them

† He drew many of their instances of his regard for characters, which are still extant in the remains of his those gentlemen, and singular marks of his vivacity.¹⁴

¹⁴ It is much to be regretted, that none of the eminent men, through whose hands this work passed previously to its being sent to the press, thought it necessary to incorporate these fragments of the earl's memoirs in the narrative. They would have furnished a valuable specimen of his literary abilities, which were, doubtless, of no mean order. These are, however, now hopelessly entombed in the record-room at Wimborn St. Giles.

A.D. 1640. knowledge of their characters. It was by his assiduity in these respects, joined to the superiority of his parts, that he gained an early reputation in the west of England, and was enabled very soon to distinguish himself in the conduct of public affairs, and in the transactions of the civil war.

CHAPTER II.

Review of the conduct of Charles the First, from his accession to the throne to the dissolution of the parliament, March 10, 1628-9.

THE causes of this war are not traced so high by our historians as they certainly ought to be, and they have been either partially or imperfectly related. The grievances of the public are often but slightly mentioned, and in general terms, which never strike with that force which particular instances do; and the proceedings of the parliament for redressing them are confounded, under the same name of rebellion, with the transactions of the presumptuous high court of justice. It may be proper, therefore, for the vindication of the parliament's honour, and for the honour of the English, who do not usually complain till they feel, and are zealous for the dignity of their prince when it is compatible with their liberties, to trace in a

A.D. 1624.

Review of
the causes
of the civil
war.

A.D. 1624. summary way the rise and progress of the dis-union between the king and the people.¹⁵

Hen. VIII. Henry the Eighth (a resolute and haughty
A.D. 1509. prince) began the Reformation in resentment against the pope. He dissolved the abbeys, monasteries, and other religious houses, and distributed great part of the church lands among the nobility and gentry, to secure them in his interest.

Edward VI. What he began for political ends, his son,
A.D. 1547. Edward the Sixth, nobly carried on for religious ones.

Q. Mary. The Reformation was scarce settled, when
A.D. 1553. Queen Mary succeeded her brother, and made a hasty and furious return to the Romish church. The nobility and gentry, however, refused to restore the church lands; but Pope Paul the Fifth declaring it was not in his power to give leave

¹⁵ When this preliminary view of the state of Great Britain at the time of Sir Anthony's appearance as a public character was written, our country was singularly destitute of able and impartial historians. It was then necessary to make this recapitulation; and although the labours of Hallam, and many others, have since rendered the minute history of this period familiar to the majority of readers, I have not thought myself entitled to mutilate the work by striking out or abridging these chapters.

that they should be alienated, nothing could have long secured the laymen in their possessions but the short reign of Queen Mary, and with her of the papal power in England. A.D. 1553.

Queen Elizabeth, her successor, re-established the reformed religion, and an act was passed in her first parliament, for restoring to the crown the ancient jurisdiction, as well ecclesiastical as temporal, and for abolishing all foreign power repugnant to it. The interests of the civil government, and of the national religion, (between which, by our constitution, there is such an immediate connexion,) were guarded as one; and the queen supported and enlarged the protestant interest abroad, as the surest means of preserving the balance of Europe. Queen Elizabeth. A.D. 1558.

The favourites at court, however, invaded so fast the bishops' lands, that the wiser part both of statesmen and churchmen thought it necessary to check their progress in this respect.¹⁶ A stop,

¹⁶ The frequent changes in the national religion had encouraged the bishops in possession to leave as little as possible to their heretical successors. Two enactments, passed during the reign of Elizabeth, had in consequence prohibited them from alienating church lands, except upon leases for three lives or twenty-one years. These acts contained, however, an exception in favour of the crown, which enabled Elizabeth to continue to

A.D. 1558. therefore, was put to the alienation of church lands. Upon this encouragement, some of the dignified clergy said, that their predecessors had gone too far in their concessions, and that they would have acted better if they had made a stand like the Spanish bishops at the council of Trent, who, though they were willing to cast off the pope's authority, yet insisted that episcopacy was *jure divino*. The supporting them in these pretensions was represented to the queen to be as much the concern of the crown as of the clergy ; for, as they would always be dependent on the sovereign for their promotion, the power of the crown would be better and more secretly advanced by their means than by any other.

Though Queen Elizabeth was sufficiently tenacious of her prerogative, she was not seduced by this kind of reasoning. But when King A.D. 1603. James the First came to the throne, terrified and James I. prejudiced as he had been by the treatment which he had received from the presbyterians in Scot-

reward her courtiers at the expense of the church. Some of the instances of this regal spoliation, and of the impotent attempts at resistance by the victims, as they are related in Strype's Annals, are highly amusing. It was this exception in favour of the crown which was repealed at the commencement of James's reign.

land, he was easily led into such measures as the A.D. 1603. dignified clergy proposed. In his first parliament an act was passed, that no lands of the church should be alienated, but remain firm to the successors in their respective dignities. This might be considered as requisite for a just preservation of the order; but many of the clergy, thinking that a proper time to extend their power, resolved to place themselves above the reach of the civil government. The authority of the church, and the sacredness of the hierarchy, were the themes upon which they were incessantly descanting before their listless congregations. King James's favourite point was an absolute government, and, to obtain this, he readily indulged the clergy in their peculiar opinions; but this only upon the condition that they, in return, should preach up the divine right of monarchy as well as episcopacy. This compact, tacit although it might have been, was religiously acted upon; and thus a doctrine, false in its principles, repugnant to reason, and pernicious in its consequences, became disseminated among the people. A doctrine equally pernicious to the king and the people: to the king, by creating in him wrong notions of his happiness and power; to the people, by sowing

A.D. 1603. the seeds of discord among them, and by making servility and adulation the road to preferment. To arrive at their own selfish ends, therefore, the clergy, in their pulpits and writings, asserted that the king was not obliged to call parliaments for the making laws or raising taxes. These doctrines, and the power which the king and the clergy assumed and exercised in consequence of them, worked up a general uneasiness in the minds of the people, which was still heightened by every part of the king's conduct. They laid the foundation of two hostile parties in the kingdom, which have ever since unhappily subsisted, though under different denominations at different times.

As King James brought with him from Scotland a secret prejudice against England for the death of his mother, he had, likewise, an indifference for the Reformation and the protestant religion. Though he had learning, it was the learning of a pedant: he had not the understanding necessary for a prince, nor the courage which was requisite even for a private man. His vanity rendered him a dupe to his flatterers, and his irresolution made him one to all Europe. He acted in every step directly opposite to the interest of

England, and the conduct of his predecessor A.D. 1603. Queen Elizabeth, who understood that interest, and pursued it in a better manner than almost any of our princes have done. He fixed his notions of greatness, not in the greatness of his people, but in being independent of them. Stubborn to these notions, he protected his minister against his subjects. Though imperious and insolent to his people, he cringed to every power in Europe, to whom he conceded almost everything they demanded. He put to death Sir Walter Raleigh, one of the greatest men of the age, in an infamous manner, to gratify the resentment of the Spaniards; and he sacrificed the interests of his own children to his fear. He neglected the honour of the nation, and abandoned the protestant interest abroad. As he lived, so he died; leaving to his son a fund of discontent in the minds of the people, an arbitrary minister for his favourite, and in himself the worst example which could possibly be followed.¹⁷ King

¹⁷ This character of King James is not overcharged. The probable nature of the secret which preserved Somerset, and the facts disclosed by Weldon and by Lord Hailes' Letters, would alone render the private life of this man the most disgusting episode to our history.

A.D. 1625. Charles the First had courage, and many good qualities which his father wanted; but by his education, his minister, and the doctrines of an ambitious and corrupt part of the clergy, he was led into the same unhappy measures. Flattered into an opinion that his will was superior to the law, he soon made that opinion the guide of his actions. He seemed to think the affections of his people and the esteem of his parliament considerations beneath his regard, and inconsistent with his dignity.

June 18.

His treatment of his parliament.

At the first meeting of his parliament, upon his coming to the crown, he began to show that he would keep them at a greater distance than some of his predecessors had done. Queen Elizabeth was accustomed to speak herself to her parliaments, to show her regard for them; and King James delighted to display to them his learning. But this did not suit with the haughtiness of Charles's temper; and, therefore, he said to them in the conclusion of his speech: "I mean to bring up the fashion of my predecessors, to have my lord keeper speak for me in most things:*

* This fashion, thus introduced or revived by him, was continued through the rest of his reign, and was carried on during the whole reign of his successor Charles the Second.

therefore, I have commanded him to speak something unto you at this time, which is more for formality than any great matter he hath to say unto you.”

A.D. 1625.

Public
grievances.

He soon dissolved this parliament, because they expressed their dissatisfaction at the conduct of his minister, and insisted upon a redress of grievances: such as the misspending the public treasure; the neglect of guarding the seas, which was so great, that Turkish pirates landed in the west of England, and carried away several captives: and, what had extremely exasperated the minds of the people, the lending the Vanguard, a principal ship of the royal navy, and seven merchant ships, of great burthen and strength, to the French, who intended to employ them against the protestants besieged in Rochelle. Pennington, who had the command of these ships, was dissatisfied with his commission. The captains, likewise, and the soldiers and mariners in the other ships, understanding they were to be employed in blocking up the harbour of Rochelle, refused the service; and, though they were tempted with great rewards, declared they would rather sink or be hanged, than serve against those of their own religion. They returned again to

A.D. 1625. the Downs, and, in the mean time, the Duke of Rohan and the protestants of France solicited the king against sending the ships; and applied likewise to the council, the greatest part of whom thought they had been destined for another service. But the king sent an express and strict order to Pennington, requiring him, without delay, to put his former command in execution, and to deliver up the Vanguard, with all her furniture, into the hands of the French. He ordered, also, farther, that the seven merchant ships should enter into the service of the French monarch, and that, in case of their backwardness, the admiral should use all means to compel them to it, even to their sinking, if they refused. Upon this Pennington obeyed, returned to Dieppe, delivered up the Vanguard, and commanded the rest of the fleet to do the same. But the companies, unanimously, one man excepted, who was a gunner, declined the service, and quitted the ships.

Dissolution
of parliament.

The Duke of Buckingham was complained of as the author of these and other grievances. The commons unanimously drew up a declaration, in very modest and respectful terms, in which they expressed their readiness, not only to discover and

reform the grievances of the state, but also to A.D. 1625.
raise all necessary supplies for the king. This declaration was presented to him; but he, being determined not to suffer any reflections on his minister, dissolved the parliament on the 12th of August 1625.

After the dissolution, the king sent letters to the lieutenants of the counties, ordering them to return the names of such persons within their respective counties as might be able to furnish him with sums of money, and to specify their dwellings, and what sums the lieutenants thought they might spare; for which privy seals were afterwards issued out. The collectors of the loan were required, also, to return the names of such as discovered a disposition to delay or excuse the payment of the sums imposed. Money raised by privy seals.

The king called another parliament, which met February the 6th, 1625-6. He treated this as he had done the former; for in all his speeches he used a style entirely unbecoming an English prince to an English parliament. He told the house of commons, soon after their meeting, that "he would not allow any of his servants to be questioned by them, and that if they did not hasten his supply, it would be worse for themselves; New parliament.

- A.D. 1625. for if any ill happened, he thought he should be the last that would feel it." Notwithstanding this, the duke was attacked as the chief cause of all the public miscarriages ; upon which the king told them again in a message, that " he would not allow any of his servants to be questioned amongst them, much less such as were of eminent place and near unto him." This could not but increase the discontents of the people, who saw that their welfare was considered as inferior to the duke's, and that their interest was sacrificed to the humour of a favourite. The spirit of the house, however, was not to be broken by scolding messages. The grievances were still insisted on ; the principal of which were new impositions and monopolies, the demand of loans, levying of tonnage and poundage without act of parliament, and the misapplication of the money thus raised : these were heightened by the loss of the nation's honour ; the contempts and affronts suffered from every neighbouring power ; the ill-conducted endeavours on behalf of the Palatinate ; the fruitless and expensive expedition against Cadiz ; and the reckless carelessness which permitted our very coasts to be infested by the pirates of Algiers.
- A.D. 1626.

Spirited
conduct of
the parlia-
ment.

For these and other matters,¹⁸ the Duke of A.D. 1626. Buckingham* was impeached by the commons. Sir Dudley Diggs and Sir John Elliot, two of the managers, were immediately after the impeachment sent for out of the house by two messengers of the chamber, who, by the king's command, conveyed them to the Tower; and the king told the house soon after, that "he had been too remiss heretofore in punishing such insolent speeches as concerned himself." The commons, resenting so notorious a violation of their privileges as the imprisonment of their members, resolved to proceed in no other business till they were righted in their liberties; and the judges giving it as their opinion, that the whole house

* What was said of Louis cause of all the grievances; the Eleventh of France, was that the king's council rode applied in the house, as the upon one horse.

¹⁸ Among these other matters was a charge of having poisoned James, "with having twice administered a potion to the late king a few days before his death, not only of a nature unknown to the physicians, surgeons, and apothecaries, but against a positive order by the first, that nothing should be given at the interval he took advantage of; and further with having applied a plaister to his breast of unknown qualities; both of which potion and plaister were accompanied with the worst symptoms, a transcendent presumption of dangerous consequences." This charge is fully discussed by Mr. Brodie, vol. ii. p. 113, et seq.

A.D. 1626. was under arrest, by the restraint of any of its members without a proper reason being assigned, Sir Dudley Diggs and Sir John Elliot were released. The imprisoning of these two patriotic men was a weak, as well as an arbitrary step. Violent actions, which a prince cannot justify, tend to render his government hated; but his being reduced to show that he cannot support them must make it despised.

Regard
shown to
the king.

Notwithstanding the commons were so strenuous for a redress of the public grievances, they manifested a proper regard to the king's necessities. They voted him an ample supply, and that the bill for the same should be brought in as soon as the grievances were presented to and redressed by the king. They appeared, likewise, extremely cautious of giving him the most distant offence: for one Mr. Moor having said in a debate, "We were born free, and must continue free, if the king would keep his kingdom;" adding, however, these words, "thanks be to God, we have no occasion, we having a just and pious king;" he was committed by them to the Tower, and kept there till the king declared he had forgiven his offence. It is evident that it was not any irregular or improper method which the commons pursued in

order to have the public grievances redressed, but the design itself of redressing them, which irritated the court and produced their dissolution : for the king sent a letter to the speaker, wherein, among many other things, he said, “ We will and require you to signify unto them (the commons) that we do expect that they forthwith bring in their bill of subsidy, to be passed without delay or condition, so as it may fully pass the house by the end of the next week at the farthest ; which if they do not, it will force us to take other resolutions.” The commons returned a dutiful and submissive answer to this, which was delivered by their speaker ; but, upon their proceeding to a remonstrance relating to the Duke of Buckingham, and concerning tonnage and poundage taken by the king, since the death of his father, without consent of parliament, the king threatened immediately to dissolve them. Upon this, the house of lords prepared a petition, expressing “ their great and universal sorrow for his message about the dissolution, and therefore, being his hereditary great council, they offered him their faithful advice to continue this parliament ; by which the great and apparent dangers at home and abroad might be prevented, and his majesty

A.D. 1626.

His haughty conduct.

A.D. 1626. made happy in the duty and love of his people, the greatest safety and treasury of a king." The lords then sent the Earls of Manchester, Pembroke, Carlisle, and Holland, to entreat the king to give audience to the whole house of peers. But the king's ears and heart were open only to his favourite, whilst they were shut against the advice of both houses of parliament, and the complaints of the people. He therefore returned for answer, that "his resolution was to hear no motion to that purpose, but he would dissolve the parliament:" and when they desired him to permit the parliament to sit but two days longer, he answered, in a peremptory manner, "No, not a minute:" and he accordingly dissolved them on the 15th day of June 1626.

Oppressive
measures.

The king, after the dissolution, persisted in his former illegal and oppressive methods of raising money, notwithstanding the general offence they had given both to the parliament and the public. Privy seals were issued out for a general loan. A loan of a hundred thousand pounds was demanded of the city of London, but the citizens refused the payment of it. The port towns and maritime counties were required to furnish ships for the king's service. The deputy lieutenants

and justices of the peace for Dorsetshire petitioned the council table to be excused, and pleaded that the case was without precedent; but the council severely checked them for disputing, instead of obeying, their king's commands; and said that state occasions were not to be guided by ordinary precedents. The city of London was likewise required to furnish the king with twenty of the best ships in the river, with all manner of tackle, ammunition, &c.; and when the citizens petitioned for an abatement of the twenty ships rated upon them, they were told that the charge imposed on them was moderate, as not exceeding the value of many of their private estates; that such petitions were not to be received; and whereas they mentioned precedents, they ought to know that the precedents of former times were obedience, and that precedents were not wanting for the punishment of those that disobeyed the king's command.

A.D. 1626.

The loan * before mentioned was exacted with such rigour, that those men of estates who refused to subscribe, were bound over by recog-

* Sir Randolph Crew, chief justice, was removed from his place because he did not show sufficient zeal for advancing the loan.—*Rushworth*.

A.D. 1626. nizance to appear at the council table; and
 Many gentlemen imprisoned. many of them, as Sir John Elliot, Sir Thomas Wentworth (afterwards Earl of Strafford), Mr.

Hampden, and others, were committed to different prisons, and which were far removed from
 A.D. 1627. the counties where they lived. Such numbers were committed, that the council table was as much employed to provide prisons for those who refused the loan, as to provide for the king's necessities.

Public complaints. The clamours which were raised by the exacting of this loan were increased by the manner in which it was squandered; for as the king entered without due consideration into a war with France, so the war itself was managed with the highest imprudence, and ended with the greatest dishonour. This, with the many obstructions on trade, the number of ships taken, the neglect of the merchants to build more, because their ships had been pressed for the king's service at a low rate and not paid, and other oppressions beside, made the expectations and call for a parliament universal.

Gentlemen released. When the resolution for calling one was taken in council, warrants were sent to the different counties to release those gentlemen who had

been imprisoned on account of the loan; which A.D. 1627.
 was a farther proof of the weakness, as well as
 the injustice, of committing them. And to show
 how general the sense of this was, the men who
 had been imprisoned were most of them (as
 Rushworth says) elected "to present the peo-
 ple's grievances, and assert their liberties." A
 sufficient caution this to the king not to per-
 severe in his arbitrary measures, if he had been
 wise and happy enough to have taken it in
 proper time.

The next parliament met March 17, 1627-8, New par-
liament.
 with the same dispositions which the former had;
 and unfortunately for the king, he continued,
 likewise, in the same temper. The haughtiness
 of his spirit, by a strange fatality, seemed to
 rise as the people's clamours and grievances rose;
 and the greater his necessities were, the greater
 was his contempt of his subjects, as if angry
 to be obliged to depend upon them. At the
 first opening of the parliament, before any step
 was taken which could give him any disgust,
 he spoke to them in a very lofty and improper
 strain: "If you," says he, "as God forbid! should
 not do your duties in contributing what the state
 at this time needs, I must, in discharge of my

A.D. 1627. conscience, use those other means which God hath put into my hands to save that which the follies of some particular men may otherwise hazard to lose. Take not this as a threatening; for I scorn to threaten any but my equals.* Notwithstanding the king's manner of speaking to them, the commons were not diverted from that duty which they owed to themselves and the public. On the 22nd of March, they opened the business of parliament with inquiring into the state of the nation and the public grievances; such as billeting of soldiers, loans by benevolence and privy seal, and the imprisonment of persons who refused to lend their money as demanded, and who, notwithstanding they brought their habeas corpus, were remanded to prison. In the debate, Sir Edward Coke (who had been lord chief justice) quoted a record of the 25th of Edward the Third, which he said was worthy to be written in letters of gold: "That loans against the will of the subject are against reason and the franchises of the land."

A.D. 1628. The commons, determined to assert the rights of the people, came to several resolutions with

* Journals.

regard to the freedom of their persons, and the security of their properties. Among others, they unanimously resolved, "That no free man ought to be detained or kept in prison, or otherwise restrained, by the command of the king or the privy council, or any other, unless some cause of the commitment, detainer, or restraint be expressed, for which by law he ought to be committed, detained, or restrained." At the same time, they showed themselves so disposed to assist the king, that they voted him a very large supply of five subsidies, the greatest gift (as the king himself acknowledged) that ever had been given in parliament. And as he was pleased with the supply itself, he was no less pleased with the manner of granting it; for when Secretary Coke informed him of it, he asked, "By how many votes it was carried?" the secretary told him, "But by one." The king showing a concern at this, "Sir," said he, "the house was so unanimous that they made but one voice." Before the supply was voted, the king had sent the commons a message, that they might secure themselves in their rights and liberties, by bill or otherwise as they thought fit, and assured them that he would give way to it.

A.D. 1628:

Proceed-
ings of the
parliament.

April 3.

A.D. 1628. When the commons had finished their resolutions with regard to the liberty of the subject, they transmitted them to the lords for their concurrence; and several members were appointed to manage a conference concerning them. When these resolutions were taken into consideration by the lords, Sir Francis Ashley,¹⁹ the king's serjeant, said, "The propositions made by the commons tended rather to an anarchy than a monarchy, and that they must allow the king to govern by acts of state;" for which he was committed to custody till he recanted. However, the lords, at a conference, made some propositions to be added to the commons' petition of rights; which the latter looked on as an artifice to defeat it. To prevent their resolutions from being carried into a bill, the king ordered the lord keeper to acquaint both houses of parliament (when he himself was present), "that he held the statute of Magna Charta and the other six statutes insisted on for the subject's liberty to be all in force; that he would maintain all his subjects in the just freedom of

¹⁹ We have already had an instance of the private character of this worthy, which seems admirably to have corresponded with his public principles.

their persons, and safety of their estates; and that they should find as much security in his majesty's royal word and promise, as in the strength of any law they could make." A.D. 1628.

The house of commons, however, appointed a committee, consisting of the most eminent lawyers, to draw up a bill concerning Magna Charta, and the other statutes relating to the liberty of the subject. The king, though he had before proposed to them to secure their liberties by a bill, was so averse to this, that, on May the 1st, he sent a message by Secretary Coke, to know whether they would rest on his royal word declared to them by the lord keeper; which message, after a long silence among the members, was taken up with great warmth. In the debate it was said that the subjects had suffered more, in the violation of their ancient liberties, within a few years, than in three hundred years before. Sir Edward Coke, therefore, proposed, "that they should secure their liberties by a bill, which the king had promised to give way to;" and Sir Thomas Wentworth said, "that their desire to vindicate the subjects' rights by bill was no more than was laid down in former laws, with some modest provision for instruction, performance,

A.D. 1628. and execution." In the midst of their deliberations, the king sent another message to the former purpose, and to acquaint them that he would put an end to the sessions of parliament in less than a fortnight. Upon this, the house resolved upon an answer to all his messages, which was delivered by the speaker, setting forth, "the king's offer to them of a bill for securing their rights and liberties; that they had no intention to encroach on his prerogative; and that the bounds of their desires extended no farther than to some necessary explanations of that which was truly comprehended within the just sense of old laws."

The king returned an answer by the lord keeper, in which he said, "their greatest trust and confidence must be in his goodness; without which nothing they could frame would be of safety or avail to them; that he was content a bill should be drawn for a confirmation of Magna Charta, and the six other statutes insisted on for the subjects' liberties, but without additions, paraphrases, or explanations." At the same time, his ministers, in the house of commons, pressed the members not to lose time by a bill, but to declare their dependence upon

the king's word: upon which ³⁰ Sir Edward A.D. 1628. Coke justly said, "that general words never were a sufficient satisfaction for particular grievances; that the king must speak by a record, and in particulars, and not in general; that they could not take the king's trust but in a parliamentary way; that is, the king sitting on his throne in his royal robes and his crown on his head in full parliament, both houses being present. All these circumstances observed, and his assent being entered upon record, made his royal word the word of a king." Therefore, he moved that the house should, according to the custom of their predecessors, form a petition of right, which, ^{Petition of right.} being confirmed by both houses, and assented to by the king, would be as valid as any act. This was resolved on, and completed May the 8th.

³⁰ It would be well for the fame of Sir Edward Coke if his conduct during this reign were the only part of his political life which descended to us. We see him here as the unflinching guardian of his country's liberties, the uncompromising opponent of a tyrannical court. But if we review his early career, his conduct as attorney-general, his cowardly vituperation of Raleigh, and lastly, his quarrel with King James, the inference becomes too plain that Coke became a patriot from interest, pique, or ambition, but certainly not from principle.

A.D. 1628. After reciting clauses in Magna Charta, and statutes of the reigns of Edward the Third and other kings, "that no man should be imprisoned without due process of law," and after mentioning many grievances under which the people laboured, the petition concluded, "that they do, therefore, pray that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by act of parliament; and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested, concerning the same, or for the refusal thereof; and that no free man, in any such manner as is before mentioned, be imprisoned or detained." The petition was sent to the lords for their concurrence, who made an addition of the following words, viz. "With due regard to leave entire that sovereign power wherewith your majesty is trusted for the protection, safety, and happiness of the people." This being strongly objected to by the commons, and particularly the most eminent lawyers, as Sir Edward Coke, Mr. Noy, and Mr. Selden, as likewise by Sir Thomas Wentworth and Mr. Pym, the lords did not insist on it, but agreed to the petition, with two amendments of no great im-

portance, with which it passed unanimously A.D. 1628. through the commons. It was then presented to the king; but his answer* was not thought full enough, or satisfactory: and the king for some time seemed determined not to give any other; for he sent a message by the speaker, "that he resolved to abide by that answer, without further change or alteration."

The many artifices which the king made use of to evade the performance of his promise, and of the offer he had himself made for securing the people's liberties, were not only unworthy of him, but were a fatal presage and evident cause of that disunion which happened afterwards between him and his subjects. As the bill of subsidies, however, was not entirely completed, he would not venture to break with the commons; and as the lords afterwards joined with them in addressing the king to give a clear and satisfactory answer to the petition in full parliament, he went

* The answer was, "The king willeth that right be done according to the laws and customs of the realm; and that the statutes be put in due execution, that his subjects may have no cause to complain of any wrong or oppressions, contrary to their just rights and liberties: to the preservation whereof he holds himself in conscience as well obliged, as of his prerogative."

A.D. 1628. on the 7th of June 1628, and gave his assent
 Assented to by the king. to it in these words, "*Soit droit fait come il est
 désir.*"

Remon-
 strances.

The house of commons, upon this, proceeded to complete the bill of subsidies. At the same time, however, they took into consideration the state of public affairs, and drew up a remonstrance, setting forth, that the excessive power of Buckingham, and the abuse of that power, was the cause of great evils and dangers to the king and kingdom. This remonstrance being completed, was ordered to be presented by the speaker to the king; whilst, on the other hand, the king, as if with design to thwart and oppose the parliament in their proceedings, directed that an order should be made in the Star-chamber, "that, whereas an information had been exhibited against the duke for divers great offences, the said information, with all proceedings thereupon, should be taken off the file, that no memory or record thereof might remain which would tend to the duke's disgrace;" and the only reason alleged for this was, because the king was fully satisfied of the duke's innocence. The commons, however, proceeded to another remonstrance, importing that the receiving of tonnage and poundage,

and other impositions not granted by parliament, A.D. 1628. was a breach of the fundamental liberties of the kingdom, and contrary to his majesty's royal answer to the petition of rights. Whilst this was reading in the house, the king went to the parliament, June the 26th, and after taking notice of the first remonstrance and the preparing of the second, and after telling them that he owed the account of his actions to God alone, he prorogued the parliament till the 20th of October; and it was afterwards prorogued to the 20th of January. On the 23rd of August, the Duke of Buckingham was killed by Felton. The same violent measures, however, were pursued under other ministers, and the same encroachments were made on the liberties of the people.

When the parliament met, January the 20th, 1628-9, they immediately proceeded upon an inquiry into the violation of the liberties of the subject, and the infraction of the petition of rights. On the other hand, the king, five days after the opening of the parliament, sent them a pressing message to take the affair of tonnage and poundage into consideration. But the houses adhered to their original intention. Upon this, the king repeated his messages, which led the commons to

A.D. 1628. resolve on the following answer to him: " That those frequent messages were inconvenient; that they bred debates and loss of time; and that tonnage and poundage arising naturally from the house, they would in fit time take such a course therein as they hoped would be to his majesty's satisfaction and honour." Whilst, with the proper spirit of an English parliament, they were inquiring into the public grievances both religious and civil, the king interposed in their proceedings in an irregular and injudicious manner; for when, on the 22nd of February, some questions were proposed to be put by the speaker, * he refused, saying, " he was otherwise commanded by the king." Upon this alarming intimation that their proceedings depended only upon the sufferance of the crown, the house adjourned in astonishment. They met again on the 25th, when they were by the king's command adjourned to the 2nd of March. At their meeting upon this day, the commons urged their speaker again to put the questions; which he again refused, saying, " I have a command from the king to adjourn till March the 10th, and put no question." A dissolution, however, being fore-

A.D.
1628-9.

* Sir John Finch.

seen, the speaker was held in the chair till a protestation was made in the house :

A. D.
1628-9.

“ That whosoever should bring in innovation of religion, or by favour or countenance seem to extend or introduce Popery or Arminianism, or other opinion disagreeing from the truth and the orthodox church, should be reputed a capital enemy to this kingdom and commonwealth :

“ That whosoever should counsel or advise the taking and levying of the subsidies of tonnage and poundage, not being granted by parliament, or should be an actor or instrument therein, should be likewise reputed an innovator in the government, and a capital enemy to the kingdom and commonwealth :

“ And if any merchant or person whatsoever should voluntarily yield or pay the said subsidies of tonnage and poundage, not being granted by parliament, he should likewise be reputed a betrayer of the liberties of England, and an enemy to the same.”

The next day after this protestation, warrants were directed from the council to Mr. Denzil Hollis, Sir Miles Hobart, Sir John Elliot, Sir Peter Hayman, Mr. Selden, Mr. Coriton, Mr. Long, Mr. Stroude, and Mr. Valentine, to appear

A.D.
1628-9.

before the council. Mr. Hollis, who was son to the Earl of Clare, was asked, * wherefore, the morning when the parliament was dissolved, he placed himself by the chair,† above divers of the privy counsellors. He answered, “ that he took it to be his due in any place whatsoever, unless at the council board ; yet, finding his majesty was now offended with him, he humbly desired that he might rather be the subject of his mercy than his power :” upon which the treasurer ‡ said, “ You mean, rather of his majesty’s mercy than his justice.” Mr. Hollis replied, “ I say, of his majesty’s power, my lord.” Sir John Elliot, being questioned for what he had said in the house, answered, “ that whatsoever was said or done by him in that place, and at that time, was performed by him as a public man, and a member of that house; that he was, and always would be, ready to give an account of his sayings and doings in that place whensoever he should be called to it by that house, where, as he took it, he was only to be questioned ; and in the mean time, being but a private man, he would not trouble himself to

* Crew’s Debates.

who held the speaker in the chair.

† Mr. Hollis and Mr. Valentine were the two members

‡ Lord Weston.

remember what he said or did in that place as a public one."

A. D.
1628-9.

Those of the members who appeared were committed close prisoners to the Tower; and warrants were issued out for sealing up the studies of Mr. Hollis, Mr. Selden, and Sir John Elliot.

These members were committed whilst the parliament yet was in being; the proclamation for dissolving it not being published till six days after: and as if so notorious a violation of the privileges of parliament, and of the petition of rights, so recently and solemnly granted, was not sufficient to exasperate the minds of the people, the king, at the dissolution, contributed still farther towards it; for he directed his speech only to the lords, and made such a distinction between the conduct of the houses, and his regard for them, as could not but be ungrateful to the commons, and to the people whom they represented. He likewise told the lords, that the other house was governed by a few vipers among them; "and," he concluded, "as those vipers must look for their reward of punishment, so you, my lords, must justly expect from me that favour and protection that a good king oweth to his loving and faithful nobility."

A. D.
1628-9.

The king, not contented with committing the members, carried his severity to a greater length, by detaining them in prison, contrary to the laws of the land; for some of them being brought upon their habeas corpus to the King's Bench, applied by their counsel to be discharged upon bail. The judges, who trembled at the slightest whisper of royal displeasure, hesitated to grant what they knew they had no right to refuse. They remanded back the prisoners till the court were ready to give judgment. But on the appointed day the prisoners could not be produced, having been sent to other prisons, the evening before, by the king's particular warrant. The court were glad of the excuse, and refused to deliver their opinion in the absence of the prisoners. The king, the day before, had sent a letter to the judges of that bench, "that he had resolved none of the prisoners should be brought before them until they had given him cause to believe they would behave themselves better." What still more aggravated this conduct was, that he had three hours before sent a letter to the judges, wherein he consented "that Mr. Selden and Mr. Valentine should appear before them." By these means the members were still kept in confinement. What security could the people depend

on for their liberties, when the king so openly overruled the proceedings of the judges, and the judges so servilely submitted to his orders!²¹ The attorney-general afterwards exhibited an information against them in the King's Bench, to which they put in a plea to the jurisdiction of the court: for their offences being supposed to be done in parliament, they ought not to be punished but in parliament; and, as they would not put in any other plea, the court gave judgment "for continuing them in prison during the king's pleasure," and for fining some of them, particularly Sir John Elliot, in the sum of two thousand pounds. They were kept in prison many years, some of them till the writs were issued for a new parliament in 1640; and Sir John Elliot, who had proved him-

A. D.
1628-9.

A.D. 1629.

* During his illness, he presented several petitions that the severity of his imprisonment might be relaxed; but though

²¹ "I was soundly chidden by his majesty for my former vote, and will not destroy myself for any man's sake," was the cool reply of Lord Finch upon the trial of Bishop Williams, when upbraided for his inconsistency and ingratitude.—*Hacket's Life of Williams*.—Finch only avowed a motive which, with a few noble exceptions, all the others acted upon.

A.D. 1629. Upon the dissolution of the parliament, the public were highly discontented ; which appeared in the boldness of their speeches, and their universal complaints, that if a parliament were not presently called again, all things would be unsettled and out of order ; that trading would fail, and contests would perpetually arise about tonnage and poundage. Hereupon the king published a proclamation on the 27th of March, "That he neither could nor would dispense with the duties his father had received ; and that he should not call a new parliament till those who had interrupted the last had received their condign punishment ; and those who were misled by them should come to a better understanding of his majesty and themselves."

his physicians subscribed their imminent danger, they could opinions that it was absolutely not prevail for obtaining it.²² necessary, and his life was in

²² This case affords us another instance of the extent of that moderation and mercy so often attributed to Charles the First. We learn, from Rushworth, that upon consulting the judges he was exceedingly disappointed to find that the opposition of these members could not be tortured into a capital offence.—*Rushworth*, vol.i.—Poor Elliot's death should never be forgotten when we speak of this man's character.

CHAPTER III.

Review of King Charles's conduct continued, from the dissolution of the parliament, March 10, 1628-9, to the meeting of the Long Parliament.

WHILST the king was indulging his anger against the members of the last parliament, he gave up his quarrels with his foreign enemies; and whilst intent upon increasing his power at home, he lost it abroad, and with it his reputation. Having had no success against the crowns of France and Spain, he was glad to accept of peace from them upon any terms; and instead of supporting the protestants of France, as he was bound in honour to do, he sacrificed them to the resentment of their court. After having engaged them to take up arms (which they had laid down but a little before), and after having assured them that he would employ all the power of his kingdom to shield their churches from the ruin that threatened them, (in pursuance of which they had bound themselves by oath never to enter into any treaty without his consent,) he left them to make the

A.D. 1629.

Bad conduct of foreign affairs.

French protestants deserted.

A.D. 1629. best terms which they could for themselves; to the ruin of the protestant interest in France, and to the dishonour of England. They had, for the maintenance of their religion, acted with the greatest resolution, and suffered the most extreme hardships that men could bear. They had been reduced, in Rochelle, during the siege of it, to such want and misery, that for above fourteen months they had subsisted on hides and parchments, and even the bones of the dead had yielded them sustenance, until, despairing of that succour from England which they had so long expected, they were obliged to surrender the place in October 1628. The Duke of Rohan, head of the protestant party in France, not knowing that King Charles had dissolved his parliament, implored his aid in behalf of the reformed churches of France, in a letter* dated the 12th of March

Duke of
Rohan's
letter to the
king.

* SIR,
THE deplorable accident of the loss of Rochelle, which God hath pleased to permit, to humble us under his hand, hath redoubled in the spirit of our enemies the passion which they have for our ruin, and the hopes to obtain thereunto; but it hath not taken away from those churches of the

provinces that courage, or affection of opposing, by a just and vigorous defence, to their unjust designs. This is that which hath made them take up a resolution, and assemble themselves together; and to stand in a body amidst these commotions, to assist me with their good counsel, and provide with me means for their deli-

1628, being two days after the parliament was A.D. 1629. dissolved. At the same time, deputies arrived from the churches, to acquaint the king that, in case he should enter into a treaty with France, they humbly prayed him to insist upon the capitulation that had been made upon his mediation, and with regard to which he had passed his word

verance. And because the most powerful means which God hath raised them upon earth is the aid which our churches have received, and do expect, from your majesty, the general assembly have desired that my letter (which solely hitherto represented unto your majesty the interest of the public cause) might be joined to the most humble supplication which they represent. I do it, sir, with so much the more affection, because I am witness that this poor people breathe after your assistance, having once laid down their arms, which the oppression of the enemy made so necessary; and because they knew it was your desire, took them up again, when they learned that your majesty obliged them to it by your counsel and by your promises. Upon this sole assurance, they have exposed themselves to all

dangers, overcome all obstacles, consumed their goods, and are still ready to spill their blood, even unto the last drop. Your good-will they have found more dear than their lives; and, notwithstanding the promises and menaces which their enemies have made use of to move them, they have not been induced to make any breach of those oaths by which they were tied never to hearken to any treaty but with your majesty's consent. All the churches of this kingdom, which are linked together to an unexampl'd fidelity, are glorious objects of your charity and power: you are, sir, "defender of that faith which they profess;" do not suffer it to be unjustly oppressed: you have stirred up their affections by your royal promises, and those sacred words, "that your majesty would employ all the power

A.D. 1629. that the reformed churches should perform it on their parts. This they had inviolably done, till forces were raised and kept in forts against them, contrary to the capitulation; so that, at length, they were necessitated to take up arms in their own defence.

To the duke's letter, which was as affecting

of your kingdom to shield all those churches from the ruin that threatened them;" and have been, next to the favour of God, the only foundation of their hopes: they have also thought it to be one of the highest crimes they could commit, to doubt of the performance thereof. If the beginning of their miseries hath moved your compassion, this sad subject hath increased upon them with so much violence, that there is nothing but your assistance can prevent their absolute destruction; for at this day the greatest misdemeanours which our enemies accuse us of, and publish, that it cannot be expiated but with our blood, is the imploring and hoping for your assistance. Our goods for this are confiscated and destroyed; our farms desolate and burnt to ashes; our heads exposed to the block; our fa-

milies banished; our temples demolished; and everywhere, where the cruelty of our heinous enemies can extend, men and women are beaten to mass with staves. In short, the horror and persecution we endure is so great, that our words are too weak to express them.

Furthermore, we see, even at our doors, the powerful armies which only wait the time to destroy those retiring places that are left, and after that banish the exercise of religion, and massacre the faithful throughout the kingdom. Hereupon, if I should entreat your majesty not to abandon us, I fear by these words to offend a great king, so powerful and so faithful; but I will take upon me the boldness, by reason of our pressing necessities, to supplicate your ready assistance to hinder our falling

and pathetic as distress and eloquence could make it, and to the remonstrance of the deputies, the king returned an answer to this effect: "That his majesty understands there is an intention, by the mediation of some foreign princes, to propose a peace between the two crowns of England and France, which probably

A.D. 1629.

The king's
answer.

under the strength of our enemies. Your majesty need not search elsewhere but in your own profound wisdom and experience to render your succour redoubtable to those that despise it, and advantageous to those people that expect it. By this means you will gain the greatest glory that can be desired; you will free from fire and sword three hundred thousand families, which pray to God continually for your prosperity; will preserve a people whom God hath purchased by his blood, and that have kept their faith towards God and man amidst the greatest distractions and cruel sufferings; will place the fidelity of your word, the reputation of your state and your armies, in a point worthy of so much grandeur; and, in checking the boldness of those who undertake to blast it daily with

unworthy reproaches, will add to your title that of "the restorer of the most innocent people in the world, and the most inhumanly persecuted."

As to my own concerns, sir, I make no mention to your majesty of my interests. I might (having the honour to be what I am) do it without blame as to outward appearance; but it is so long since I had consecrated them to the use of the public, that I shall always esteem my condition happy enough, provided the church be not miserable; and that I may have this advantage, to be known by such occasions which your majesty doth not disprove of, that I am

Your Majesty's most humble
and most obedient servant,

HENRY OF ROHAN.

At Rohan, the 12th of
March, 1628-9.

(*Rushworth.*)

A.D. 1629. he may incline unto; and therefore adviseth the said duke, and those of the reformed religion, timely to apply themselves to the French king, and to get as advantageous terms for himself, and those engaged with him, as he could procure: the king further informing the duke, that he was constrained to dissolve the parliament which he had lately reassembled, from whom he expected further supplies of money; but, failing thereof, he was not in a condition to contribute such further aid and assistance, either by money or arms, as the Duke of Rohan, and those that adhered unto him, might expect, and their present necessities require; his majesty expressing his sorrow that the condition of his affairs were such that he could not answer his and their expectation."

Public oppressions continued.

Lord Clarendon accuses this last parliament of making unhappy assaults upon the prerogative; though, at the same time, he says he does not know any formed act of either house that was not agreeable to the wisdom and justice of great courts upon extraordinary occasions. He says farther, that after some froward and obstinate disturbances in trade, (which were seizing merchants' goods, and imprisoning their persons, for

refusing to pay duties not granted by parliament), A.D. 1629. there quickly followed so excellent a composure throughout the whole kingdom, that the like peace, plenty, and universal tranquillity, for ten years, were never enjoyed by any nation. During these years, however, the king governed in an absolute manner, without a parliament. By his own authority, and by numberless obnoxious projects, he raised great sums of money. Not only the council and the star-chamber, but even the courts of justice, were made use of to support the public oppression. Armies were maintained, and soldiers billeted on the people, by order of the privy council; and those who opposed this, on account of its being contrary to law, were committed to prison. The oppress- A.D. 1633. sions of the ecclesiastical courts were likewise very great; and many who had suffered by these courts, together with several ministers who had been ejected from their livings because they would not read the declaration* for sports on a Sunday, were desirous of quitting their native

* An order of session was made in Somersetshire, when Lord Chief Justice Richardson and Judge Denham were upon that circuit, for suppressing ales and revels on Sundays. Archbishop Laud complained of this to the king: the chief justice was summoned to attend the council, where he was

A.D. 1633. country. But, in order to block up the passage of these voluntary exiles, a proclamation²³ was published, forbidding any persons, being subsidy men, or of their value, to pass to any of the plantations without a licence. A proclamation was also published, commanding the nobility, gentry, and men of substance, except the privy council, or those who were bound to daily attendance on the king, queen, and their chil-

commanded to revoke his order: the chief justice replied, that the order was made at the request of the justices of the peace in the county, with the general consent of the whole bench, and upon view of divers ancient precedents. He was obliged, however, to go and declare at the next assizes the former order revoked; whereupon the justices and many

gentlemen of the greatest distinction drew up a petition to the king, showing the great inconveniences that would befall the country, if these meetings, condemned by the law, should be set up again; but before it could be presented, the king published a declaration warranting sports on Sundays.—*Rushworth.*

²³ This proclamation is dated May 1, 1638. It is one of the most important in our history. Cromwell, Hampden, Lords Say and Brook, and Sir Arthur Haslerig, were about to seek in America that liberty which they had struggled for in vain at home. In a happy hour for their country this vindictive measure of Laud restrained their departure. The ship was already chartered for the voyage. How little did either the archbishop or his master conceive the expansive force of the spirit thus pent up, or that it would so soon shatter their laboured fabric of absolute power!

dren, to keep their residence in their several A.D. 1632. counties, and forbidding them to inhabit in London, Westminster, and the places adjoining; and an information was afterwards lodged in the star-chamber against the Earl of Clare, Lord Mohun, and other peers, the Countess of Oxford, and many persons of distinction, by which great fines were exacted for the use of the crown.

The king, as if not satisfied with having irritated his English parliament, treated with equal haughtiness his parliament in Scotland. He went thither to be crowned in 1633; and when an act was passed at that time in relation to his royal prerogative, and the apparel of kirkmen, several of the barons and burgesses suspected that, under this last part, the surplice was intended to be introduced. The king was asked that question, but he made no answer. At the same time he took a list of the members out of his pocket, saying, "Gentlemen, I have all your names here, and I will know the truth this day who will do me service and who will not." In his progress, likewise, through some parts of Scotland, as if studious to be unpopular, he made so great a distinction between churchmen and presbyterians, and did it in such weak and un-

The king's
conduct in
Scotland.

A.D. 1633. necessary instances, as could not but give offence in a country where so much the greater part of

A.D. 1634. the people were presbyterians. When the provosts of Powis presented plate to him, one of them was not admitted to kiss his hand, because he was not a churchman; and when the nobility and gentry at Fife had prepared an entertainment for him, he refused to go to it, because many of them were presbyterians. He afterwards endeavoured by force to establish an hierarchy, and introduce the liturgy among them: and this drew upon him a war with that nation, which he was not able to support.

Arbitrary
proceedings
in England.

Ship-money.

As the discontinuance of parliaments in England drove the king to any resources for raising money, it gave encouragement to every kind of projectors. But of all the inventions for supplying the king, the writs for ship-money gave the greatest and most general dissatisfaction. A writ was sent in 1634 to the city of London,*

* By this, dated October 20, 1634, they were commanded and enjoined, upon their faith and allegiance, and under the forfeiture of all which they could forfeit, to carry to Portsmouth, before the 1st of March following, one man-of-war of nine hundred tons, one of eight hundred, four of five hundred, and one of three hundred, furnished with men, victuals, and all warlike provisions.—*Rushworth*.

to prepare a certain number of men-of-war for A.D. 1634.
the king's use.²⁴ Writs, likewise, were sent into
the several counties for assessing the people ; and,
for five years together, this scheme produced two
hundred thousand pounds a year. The writ was
presented by the grand jury of Northampton as
a grievance ; upon which the clerk of the peace
and freemen of the jury were ordered to attend, A.D. 1639.
and give an account of their conduct ; and the
privy council sent a letter to Sir Christopher
Yelverton, high sheriff of Northampton, reprimanding him in very haughty terms for officiously sending them the petition of the grand jury, and for representing the difficulties which he found in the execution of the king's writs. Upon the general sense which the people had of the injustice of this tax, Mr. Hampden had in the year 1637, at his own expense, withstood the exaction of it, by which he acquired at that time a great and just reputation with the pub-

Mr. Hampden's noble conduct.

²⁴ This was only an extension of the demand that had been made eight years before. The king had then by his own authority called upon the maritime parts of his kingdom to supply him with a fleet ; he now went a step farther, and taxed the whole of the kingdom for the ostensible purpose of building and maintaining one. Precedents are dangerous things in the hand of such a monarch as Charles.

A.D. 1639. lic; and notwithstanding the opprobrious character given him by one historian, and the insidious attempts of others to detract from the merit and motives of his conduct, he has transmitted his name to posterity as a true asserter of the liberties of his country, and will be held in veneration so long as the least spark of English freedom is cherished in the breast.

Lord Clarendon's representation of things, considered.

Lord Clarendon, speaking of the tranquillity of the nation during this intermission of parliament, says, "That for twelve years they enjoyed the fullest measure of felicity that any people in any age for so long time together had been blessed with; yet he allows there were extraordinary grievances. A proclamation, he admits, was published to inhibit all men to speak of another parliament; supplemental acts of state were made to supply defects of laws; tonnage and poundage, and other duties, which the parliament had refused, collected by order of council; new and greater impositions laid upon trade; obsolete laws revived and rigorously executed; unjust projects of all kinds, many ridiculous, many scandalous, all very grievous, were set on foot; and, for the better support of these extraordinary ways, and to protect the agents, and to discountenance and

suppress all bold inquirers and opposers, the council-table and star-chamber enlarged their jurisdiction to a vast extent: that any disrespect to acts of state or to the persons * of statesmen was in no time more penal; and those foun-

A.D. 1639.

* Mr. Bellasis, Lord Fauconberg's son, was committed to the Gate-house for not pulling off his hat to Lord Wentworth, lord president of the north. Many instances of extraordinary severity were shown to persons who had spoken even slightly of the Archbishop of Canterbury, who was jealous to the greatest degree of his dignity, and earnest for punishing the least offenders against it. One remarkable instance was in the Rev. Mr. Lambert Osbaldston, a prebend and master of Westminster school. He and the Bishop of Lincoln were charged by information in the star-chamber, February 14, 1638-9, to have plotted together to divulge false news and lies, and to breed a difference between Lord Treasurer Weston and the archbishop. The charge was grounded upon some passages in two letters written by Mr. Osbaldston in January 1633-4; as for in-

stance: "The jealousy grows great and sharp between the Leviathan and the little meddling Hocus Pocus." And in another letter, "My dear lord, I cannot be quiet but I must write to your lordship: the sport is grown tragical; anything would be given for a sound and thorough charge to push at, and confound the little urchin." These letters were found in a box in the Bishop of Lincoln's palace at Bugden, some years after their being written, and at a time when he was in the Tower: there could be no purpose, therefore, of divulging them. Mr. Osbaldston denied that he meant the treasurer and the archbishop by those words; and they were applied to them only by an innuendo. The sentence, however, was, that the Bishop of Lincoln should be fined five thousand pounds to the king, and should pay three thousand pounds damages to the archbishop; should be im-

A.D. 1639. dations of right, by which men valued their security, to the apprehension of wise men, never more in danger to be destroyed."

If it is true that the foundations of right were in such danger, it was necessary for patriots to exert themselves; and it is evident that the opposition made by the subsequent parliaments of

A.D. 1640. April and November 1640, proceeded from an honest zeal and firm resolution to strengthen those foundations, to prop the bulwarks of the consti-

<p>prisoned during the king's pleasure, and make his submission: That Mr. Osbaldston should be fined five thousand pounds to the king, should pay five thousand pounds damages to the archbishop, should be deprived of all spiritual dignities and promotions, should be imprisoned during the king's pleasure, and make his submission: that he should stand in the pillory in Dean's Yard before his own school, with his</p>	<p>ears nailed to the pillory. Mr. Osbaldston, who stood in a crowd in the court during the trial, when he found what censure would be passed upon him, went away immediately to his own house, and there left the following note on a desk: "If the archbishop inquire after me, tell him I am gone beyond Canterbury:" whereupon messengers were sent to the port towns to apprehend him; but he lay hid</p>
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²⁵ Laud had established a most efficient censorship of the press. Selden was bold enough to publish his elaborate treatise upon tithes during the archbishop's day of power. In this work he treats the divine origin claimed for that institution with very little ceremony; but the high commission court soon convinced him of his error, and Selden made haste to retract his heretical tenet.

tution, and to revive the dying laws of their country. It is as certain that the composure on which Lord Clarendon expatiates, was a silent, gloomy submission to the arbitrary power of the court, a power which few individuals could venture to withstand. A.D. 1640.

The king had no better success in his war against the Scotch than he had in those against France and Spain. He found it necessary to raise another army; he was in the greatest distress for money, and the revenue of the crown was antici-

Meeting of
parliament.

in a private house till the parliament met in November 1640.²⁵—*Rushworth*.

At a tavern in Chancery-lane, some young gentlemen of Lincoln's Inn were drinking a toast, which a drawer who attended them informed the archbishop was to his confusion; whereupon his grace procured a warrant to a messenger to bring them before the council. A little before the time of their appearance, they applied themselves to the Earl of Dorset to stand their friend; and acknowledged their unadvisedness in drinking a rash toast. The earl asked who was the witness against them; they answered, one of the drawers:

"where did he stand," said the earl, "when he heard you drink the toast?" they replied, at the door going out of the room. "Tush," said he, "the drawer was mistaken; you drank to the confusion of the archbishop's foes, and he heard only the first part of the words." This hinted to the gentlemen a proper excuse, which they did not think of before. Lord Dorset, however, advised them to carry themselves with all humility and respect when they were called in before the king and council. They followed his advice, and by this means, and the favour of Lord Dorset and others, received only a reproof, and so were dismissed.

A.D. 1640. pated. These exigences at last obliged him to call a new parliament; though "those meetings," Lord Clarendon says, "had been of late attended with some disorders, the effect of mutinous spirits."* The parliament met April 13, 1640, in a disposition, and with a resolution, to set forth and redress the numerous public grievances that existed both in church and state. Petitions † were presented from several counties by the knights of shires, complaining of ship-money, projects, monopolies, the star-chamber, high commission courts, and other oppressions. Not one of the members offered to deny or justify these things. The sense of the house concurred with the petitioners. The members seemed determined to make a thorough inquiry into the national evils, with regard to the liberty and property of the subject, the privileges of parliament, and innovations in matters of religion. The bishops, ‡ at the very beginning of this reign,

Pernicious
doctrines of
the clergy.

* These were Mr. Hollis, Sir John Elliot, Mr. Selden, Sir Edward Coke, and some of the most eminent lawyers of the kingdom, who had exerted themselves in defence of the liberties of the subject.

† Arthur Capel, afterwards

Lord Capel, was the first who presented a petition, which was from the county of Hertford; and Mr. Grimston opened the debates upon the petitions. — *Rushworth.*

‡ Mr. Locke.

denied that they held their jurisdiction from the king, declaring that they held it from God alone; whilst, at the same time, the divine right of monarchy, the king's absolute power and independence of his parliament, were the avowed and favourite doctrines of many of the dignified clergy, not only at court and in the country, but at the universities, where the venom was likely to be yet more fatal by poisoning the minds of the youth committed to their care. Mr. Pym brought before the house at this time a paper, containing many scandalous assertions made by Dr. Beale, master of St. John's in Cambridge, in his sermon preached at St. Mary's, March 27, 1635, viz.

1st. That the king might constitute laws, when, where, and against whom he pleased.

2dly. That parliaments serve kings as men do apes, a bit and a blow; give him a subsidy, and take away two or three of his prerogatives.

3dly. That ministers silenced for not reading the book of recreation, and the king's declaration, are advanced, and these calves are worshipped even from Dan to Beersheba.

4thly. That tonnage and poundage are the king's as absolutely as his crown, defend he the

A.D. 1640.

A.D. 1640. seas or not ; so are also our goods, ourselves, our wives and children, and he may call for his own when he will.

5thly. That the king can of himself make laws to bind the conscience.

Doctrines like these had before been publicly avowed by Sibthorpe, Manwaring, and others. Manwaring, in particular, in a sermon preached before the king soon after his coming to the crown, and which was afterwards published, maintained, "That the king's royal will and pleasure in imposing laws and taxes, without the consent of parliament, did oblige the subject's conscience upon pain of eternal damnation ; and that the authority of parliament was not necessary for raising aids and subsidies." Lord Clarendon mentions, in a very slight and cursory manner, these doctrines, and the clamours occasioned by them. He says, "The indiscretion and folly of one sermon at Whitehall was more bruited abroad, and commented upon, than the wisdom, sobriety, and devotion of an hundred ;" which he imputes, as he does all the distraction of those times, to the perverseness of the people, "who wanted a sense, acknowledgment, and value of their own happiness." The true reason, however, why these

doctrines were so generally exclaimed against, was A.D. 1640.
 because they were patronised by the court, which punished* those who opposed them, and rewarded† such as maintained them. Add to this, that they co-operated with the many courts of oppression in supporting an absolute power, confirmed the king in his arbitrary maxims, and probably had suggested many of them to him. To these doctrines, therefore, and the authors of them, if we

* Archbishop Abbot refused to license a sermon of Dr. Sibthorpe's, intitled Apostolical Obedience, preached before the judges at Northampton; in which he had asserted the king's power of raising money by his own authority. The king pressed the archbishop, by several messages, to license the sermon, and sent him word, "that if he did not despatch it, he would take another course with him." The archbishop persisting in his refusal, was sequestered from his office. A commission was granted to Bishop Laud, and four other bishops, to execute the archiepiscopal jurisdiction, and the archbishop died during the sequestration.

† Dr. Manwaring, upon an

accusation sent up by the house of commons to the house of lords, in the parliament of 1628, received judgment, that for his offence he should be suspended for the term of three years from the exercise of his function, and should be disabled from having thereafter any ecclesiastical dignity: and the lords resolved to address the king to call in the said sermon by proclamation. A proclamation was published, but the doctor immediately after received a pardon from the king, was made rector of Stamford Rivers in Essex, which he had a dispensation to hold with the rectory of St. Giles's in the Fields; and was soon after made bishop of St. David's.

A.D. 1640. trace back events, as we ought to do, to their first causes, must the king's subsequent misfortunes be chiefly imputed.

Proceed-
ings of the
parliament.

Whilst the commons directed their attention to the preservation of their country's liberties and the redress of public grievances, the king fixed his only upon his own necessities; nor did there appear in him any sincere design of listening to the nation's complaints. At his desire, the lords came to a vote, "That his majesty's supply should have precedency before any other matter in consideration whatsoever;" and therefore desired a conference with the commons, to let them know their reasons for the same. The commons immediately resented this, and resolved, that the lords proposing a supply, and a time for them to proceed upon it, was a breach of their privileges. At a conference which ensued upon this occasion, they insisted upon a reparation, and that the lords should not, for the future, take notice of anything debated by them till they should think proper to declare it to their house. In the mean time they proceeded with great spirit and application upon the great task they had undertaken, and evinced a serious purpose to repel every encroachment of the crown. While they were

debating upon the bringing up of a report made by Mr. Maynard concerning ship-money, the lords sent to desire another conference : the house was divided whether to yield to it or no; and, by a majority of above a hundred votes, the commons resolved not to postpone the consideration of the grand business of ship-money for the conference. To induce the lords, however, to join with them in a representation of their grievances to the king, they came to several resolutions, which a committee was appointed to offer to the lords at a conference. The king, finding this disposition in the commons, sent a message to them by Sir Henry Vane, to quicken the supply; which he repeated two days afterwards. He told them, "That upon their granting twelve subsidies, to be presently passed, and to be paid in three years, (with a proviso that it should not determine the sessions,) his majesty would not only for the present forbear the levying any ship-money, but would give way to the utter abolishing of it by any course which themselves should like best; and for their grievances, he would give them as much time as might be, now, and the next Michaelmas."

Though a proviso was proposed by the king to

A.D. 1640. be added to the subsidy bill, that this should not determine the sessions, yet the asking such a supply for three years, before any grievances were redressed, was a sufficient intimation that they could not afterwards depend upon a long continuation of the present parliament; nor until the twelve subsidies were spent, and the three years expired, could they hope for the meeting of a new one. The commons immediately took the message into consideration, and the day was consumed in debate. Upon adjourning, they desired Sir Henry Vane to acquaint the king that they intended the next day to proceed in the farther consideration thereof. They met at the usual hour,⁸⁶ but the speaker did not attend; for Secretary Windbank went early to his house, and, according to command, carried him to Whitehall; and about eleven o'clock that day (the 5th of May) the commons were sent for to attend the king, and the parliament was dissolved. The king affected, as usual, to make a distinction between the houses, for he addressed himself only to the lords, passing many encomiums on their conduct, and using

Parliament
dissolved.

⁸⁶ The houses then usually met at eight o'clock in the morning, and adjourned at twelve; but during these debates they continued sitting until six in the afternoon.—*Clarendon*.

very reproachful language towards the com- A.D. 1640.
mons.

Lord Clarendon acknowledges, "that it could never be hoped that more sober and dispassionate men would ever meet together in that place, or fewer who brought ill purposes with them;" and no one could imagine what offence they had given, which put the king upon the resolution of dissolving them. The leaders of this parliament were, however, the leaders in the subsequent one; their conduct was the same, as were likewise their complaints.* 27

* Among the members of the these, Selden had been in parliament in November 1640, several of the former parliaments, had exerted himself there were no eminent ones who were not in that of April, strenuously for the subject's liberties, and had been imprisoned on that account. Messrs. Jeffry Palmer, Selden, Ludlow, and Whitlocke: of

27 It was, however, much doubted by the leaders of the popular party, whether this house was sufficiently resolute for the emergency. Clarendon says, that, within an hour after the dissolution, he met Mr. St. John, "who had naturally a great cloud in his face, and was very seldom known to smile." St. John, at this time, however, appeared remarkably cheerful, and to Mr. Hyde's lamentations upon the unseasonable dismissal of this wise parliament, replied that "all was well, and it must be worse before it could be better; this parliament could never have done what was necessary to be done."—*Clarendon*, vol. i.

A.D. 1640.

Arbitrary
measures
continued.

The king, though he found his necessities so great, and the nation in convulsion, did not recede from any part of his former conduct; but, as if he made it a point of honour to act in every instance in defiance of his people, he continued steadfastly to pursue all those measures against which the commons had declared themselves.

During their short session the house had come to several resolutions which they had offered to the lords at a conference. Among other things they had resolved, "That one head of the conference should be the complaints that had been made concerning the punishing of men out of parliament for things done in parliament, in breach of their privileges." The very next day after the dissolution, Lord Brooke's study, cabinet, and

p. 218. The gloomy republican was probably right; it appears doubtful whether this house would even have had the courage to enter upon their journals a formal protest against the levying of ship-money. In their opinions upon the illegality of this impost, they certainly showed themselves nearly unanimous, and they proposed it as one of the points of conference with the lords; but a distinct resolution upon this subject was what Clarendon thought the popular leaders would not have had the confidence to attempt, nor the credit to compass. This historian's praise is certainly a good ground for suspicion. But the conduct of the king overcame every loyal scruple. The next parliament lost all awe of the regal spoliator.

pockets were searched for papers : Mr. Bellasis, A.D. 1640. knight of the shire for Yorkshire, and Sir John Hotham, were summoned before the council, the king being present ; and, having been examined concerning some transactions in parliament, they were committed to the Fleet. Mr. Crew (afterwards Lord Crew) was required several times by the king to deliver up all petitions, papers, and complaints which he had received whilst he was chairman in the committee for religion. Mr. Crew, being unwilling to discover the names of subscribers to petitions complaining of innovations, refused to deliver them ; and was therefore committed close prisoner to the Tower, where he continued till near the meeting of the parliament in November following.

The commons had likewise resolved, “ That, in the conference with the lords, there should be a protestation and saving made to preserve and keep entire the rights of the commons not to be bound by any canons that were or should be made upon any commission granted to the convocation, without their consent in parliament.” The convocation, however, which used to end with the parliament, was by a new writ continued under the name of a synod ; and sat till the

A.D. 1640. 29th of May. Seventeen new canons were made by them; the first of which supported the doctrines of implicit and passive obedience, and declared monarchy to be of divine right. Another of the canons enjoined an oath * to be taken, which was chiefly intended for the establishment of the hierarchy. These canons were confirmed by the king under the great seal. The synod, likewise, granted six subsidies, to be paid by the clergy in six years, with a penalty to be imposed upon the refusers, viz. that these should

* Lord Clarendon says, "this synod gave subsidies out of parliament, and enjoined oaths, which certainly it might not do."

Lord Digby, speaking of the convocation, in his speech in the following parliament, says, "What good Christian can think with patience on such an ensnaring oath as that which is by the new canons enjoined to be taken by all ministers, lawyers, physicians, and graduates in the universities; where, besides swearing such an impertinence as that things necessary to salvation are contained in discipline; besides swearing those to be of divine right, which amongst the

learned were never pretended to as the arch things in our hierarchy; besides the swearing not to consent to the change of that which the state may in great reason think fit to alter; besides the bottomless perjury of an etcætera; all this men must swear that they swear freely and voluntarily, what they are compelled unto; and lastly, that they take that oath in the literal sense, whereof no two of the makers themselves, that I have heard of, could ever agree in the understanding."

Dr. Goodman, bishop of Gloucester, refusing to subscribe this oath, was suspended till he submitted.

be deprived of their functions, and should be A.D. 1640. excommunicated.

The commons had resolved, " That the complaints which had been made by petitions from the several counties concerning military charges, viz. coat and conduct money, wages and arms taken from the owners, forcing the country to buy and provide, at their charges, horses and carts by way of tax, should be made a branch of the conference." Two days after the parliament was dissolved, letters were sent from the privy council to the lords lieutenants of counties, to return the names of the principal men of the several counties who refused to pay coat and conduct money for the men to be levied there; and to commit to prison those who should refuse to receive prest money. A letter was, likewise, sent to the lord mayor of London to levy four thousand foot for the expedition against the Scotch, and for providing coat and conduct money for them.

The commons had also resolved, " That the complaints which had been made by several petitions from the counties, relating to ship-money, should be a subject of the conference." Two days after the dissolution, an order was made by the king and council, that a round course should be

A.D. 1640: taken with the high sheriffs of counties who had been negligent in the execution of the writs for ship-money; and the attorney-general was ordered to proceed in the star-chamber against the lord mayor, and sheriffs of London and Middlesex, for not distraining against persons according to the said writs; as, likewise, against the high sheriffs of York, Berks, Surrey, Leicester, Essex, Northampton, and Suffolk. And letters were sent to the sheriffs of all the other counties, requiring them to pay in at least one half of the money payable by their several counties by the last day of that month, and the other half by the 24th of June following; or they must expect to feel the smart and punishment due to their remissness.

General
disgust of
the people.

The dissolution of the parliament before anything had been done to satisfy the people, when nothing had been done to irritate the king, when the parliament had sat so short a time after so long an intermission, occasioned an universal concern and astonishment; an astonishment which was immediately converted into anger, when the public saw the king persist in his former measures. This spirit soon broke out in complaints and murmurs against his ministers. Lord

Clarendon, however, observes, “ that in less than A.D. 1640. three weeks after the dissolution, by the voluntary loan of the particular lords of the council, and of other private gentlemen about the city, some relating to the court, and others strangers to it, there was no less than three hundred thousand pounds paid into the exchequer, to be issued out as his majesty should direct, which was an unanswerable evidence that the hearts of his subjects were not then alienated from their duty to the king, or a just jealousy for his honour.” This loan was so far from being a voluntary one, that there was an order for the lord mayor and all the aldermen of the city of London to meet, and set down in writing the names of all such persons, inhabitants within their respective wards, as they conceived were able to lend the king upon security the sum of two hundred thousand pounds, and to set down how much, in their opinion, every person was able to lend towards the said sum; and four of the aldermen who refused to set down the names of persons as ordered, were, by warrants dated May the 10th, committed to different prisons, viz. Alderman Soanes to the Fleet, Alderman Atkyns to the King’s Bench, Sir Nicholas Rainten to the Marshalsea, and

A.D. 1640. Alderman Geere to the Gatehouse; and the attorney-general was ordered to proceed against them in the star-chamber.

Violent
methods of
raising
money.

The king, to satisfy his necessities, chose to have recourse to any violent methods rather than recede from his unconstitutional demands, and receive supplies from his people. The expedients to which he was now driven were all of them unjustifiable, and some of them contemptible. He seized the bullion in the mint, which was brought from abroad to be coined there. This gave a great alarm to the Spanish merchants and others, who alleged that it would for ever after prevent the bringing of bullion into the Tower; and would prove of great prejudice to the king's reputation, and to the public, by the loss of the coinage. To gain a little ready money, he bought all the pepper lying under the Old Exchange upon trust, and sold it out at a much less value. It was proposed in council to debase the coin by mixing copper with the silver, and to coin three hundred thousand pounds, of which the fourth part only should be silver, and the other should be copper; and that this should be current money to pay the army, which was marching to New-castle against the Scotch.

The Scotch army, at the latter end of August, A.D. 1640. entered into England, upon a certain knowledge of the general discontent of the people, and upon a supposed invitation from several of the English nobility. Lord Saville, afterwards Earl of Sussex, had written a letter,* which he had subscribed himself, and to which, at the same time, he had added the forged names of twelve or fourteen of the most eminent among the English nobility, to invite and encourage that army to enter into England. This letter was sent into Scotland by Mr. Henry Darley †, who remained there as agent from the said English lords, until he had gained his point. When the English and Scotch lords met together, the letter caused great disputes among them; and at last, Lord Saville, being reconciled to the court, confessed to the king the whole affair. ‡

* Lord Shaftesbury's manuscript. —
 † He was afterwards com-
 ‡ This accusation against Lord Saville before rested upon the authority of Nalson (vol. ii. p. 428) and Clarendon (vol. ii. p. 303). The former, indeed, gives a very circumstantial account of the discovery of the fraud, and of the erasure of the forged names; and he adds a ridiculous story that, upon discovering the forgery, the Scots were about to retreat to their own country,

A.D. 1640.

Temper of
the English
army.

The English army, which was so expensive to the king, and so burthensome * to the subject, proved of no service. They allowed themselves to be routed by the Scotch at Newborne upon Tyne in a dishonourable manner; and openly imputed their defeat to a dissatisfaction with the cause for which they fought. Many of the officers and private soldiers, in their march to the rendezvous, did not hesitate to declare their dislike for the war, and that they would not fight to maintain the pride and power of the bishops;

* A petition, signed by a great number of the principal gentlemen of Yorkshire, assembled at the assizes at York, July 28, 1640, was presented to the king, setting forth that, to their great impoverishment, they had expended the year before a hundred thousand pounds in the execution of the king's commands about his military affairs; and complaining of the oppressions of billeting of soldiers upon them. When this petition was taken into consideration by the council, Lord Strafford said it seemed to be a mutinous petition.

and throw themselves upon the king's mercy. Both these authors were too staunch royalists to canvass very strictly any story told to the disadvantage of Lord Saville; and great doubt was thrown upon their assertion, by the absence of all allusion to such a letter in any of the published correspondence of the period. The commission and discovery of a fraud of so great importance appeared to be affairs of too much magnitude to be passed over in silence. To Lord Shaftesbury, however, the objections made against Nalson and Clarendon do not apply.

a resolution which, if we may judge from the ill A.D. 1640. success that afterwards happened, seems to have been seriously formed and acted upon.

This dissatisfaction did not appear only in Petition of several lords. the army. A petition, * subscribed by the Earls of Bedford, Essex, Hertford, Warwick, Bristol, and Mulgrave, by Lord Say and Seal, Lord Edward Howard, Lord Bolingbroke, Lord Mandeville, Lord Brooke, and Lord Paget, was sent to the king. The petition† consisted of seven articles.

Firstly. The war with Scotland, whereby the king's revenue was much wasted, his subjects burthened with coat and conduct money, billeting of soldiers, and other military charges; and divers rapines and disorders committed by the soldiers, and the whole kingdom become full of fear and discontent.

Secondly. The sundry innovations in matters of religion; the oath and canons lately imposed upon the clergy, and others his majesty's subjects.

* The thanks of the house of commons, and likewise of the house of lords, were ordered in the subsequent parliament to be given to these peers for this petition; and the lords

the honour of the petitioners, their petition should be recorded in their journals, and should be esteemed as the act of that house.

† Whitlocke, p. 34. Parliament. Hist. v. viii. p. 491.

A.D. 1640. Thirdly. The great increase of popery, and employing of popish recusants, and others ill affected to the religion by law established, in places of power and trust, and especially in the commanding of men and arms, both in the field and divers counties in the realm.

Fourthly. The great mischief which might fall upon this kingdom if the intentions, which had been credibly reported, of bringing in of Irish forces should take effect.

Fifthly. The urging of ship-money, and prosecution of some sheriffs in the star-chamber for not levying of it.

Sixthly. The heavy charges of merchandise, to the discouragement of trade; the multitude of monopolies and other patents, whereby the commodities and manufactures of the kingdom are much burthened, to the great and universal grievance of the people.

Seventhly. The great grief of the subjects by the intermission of parliaments; in the late and former dissolving of such as had been called; with the hopeful effects which, otherwise, they might have procured.

For a remedy of which grievances, they besought the king to summon a parliament within

some short and convenient time; whereby the A.D. 1640 cause of these and other great grievances might be taken away, the authors and counsellors of them be brought to such legal trial and condign punishment as the nature of the offence required, and the war be composed without bloodshed, in such a manner as might conduce to the honour and safety of his majesty's person, the content of his people, and the continuance of both his kingdoms against the common enemy of the reformed religion.

This petition was dated August the 28th, 1640, and was presented to the king, at York, by Lord Mandeville and Lord Edward Howard.* The king immediately called a cabinet council, wherein the petition was declared to be mutinous, and it was resolved to proceed against those two lords for mutiny. When the council was up, and the king gone, Duke Hamilton, remaining behind with the Earl of Strafford, asked him "whether he was sure the army would stand by them?" Lord Strafford, in a surprise, answered, "he was afraid not, and protested he did not think of that before." The duke replied, "If we are not sure of the army, our heads may be in danger in-

* Lord Shaftesbury's manuscript.

A.D. 1640. **stead of theirs ;” whereupon they both agreed to go to the king, and the resolution was laid aside.**

City of London sends a petition to the same purpose.

The city of London, likewise, resolved to present a petition to the same purpose, which the privy council being informed of, wrote a letter, dated September the 11th, to the lord mayor and aldermen to prevent it ; but, notwithstanding this, the city persisted, and sent some of the aldermen and common council to the king at York to present their petition. The wishes of the nation were as fervent as they were general for a new parliament, and for putting an end to the war with the Scotch. When the king called the Yorkshire gentry together, September the 10th, and proposed to them that they should pay the train-bands for two months, they took the proposition into immediate consideration ; and the next day delivered an answer, That they had agreed to the payment ; but, at the same time, they beseeched the king to consider how to compose the difference with the Scotch, that the country might enjoy peace, and not run more and more into danger ; and they desired him to think of summoning a parliament, the only way to confirm a peace betwixt both

Similar request of the Yorkshire gentry.

kingdoms. They proposed to the Earl of Strafford to present their answer to the king; but he desiring them to leave out their advice about calling a parliament, they refused to do this, and therefore delivered their answer themselves.

A.D. 1640.

CHAPTER IV.

Summary view of Charles the First's reign continued, till the time when Sir Anthony Ashley Cooper began to distinguish himself in the management of public affairs.

A.D. 1640.

Meeting of
the long
parliament.

THE king now laboured under the greatest difficulties. He could no longer struggle with or supply his wants: his own army was discontented, and the Scotch army successful; while both of them were very burthensome to the public. He was, therefore, obliged to give way to the universal call of the nation, and to summon a parliament. This parliament met on the 3rd of November 1640. Petitions relating to grievances were immediately presented to the commons from every part of the country; and these petitions were so numerous, that the whole house was divided and subdivided into above forty committees to hear and examine them. The canons and constitutions made by the convocation were condemned by the unanimous

voice of the house, as containing in them mat- A.D. 1640
 ters repugnant to the king's prerogative, to the Spirited
 fundamental laws and statutes of the realm, to proceedings
 the rights of parliament, to the property and of the par-
 liberty of the subjects, and tending to sedition. liament.

The writs for ship-money, and the extra-judicial opinions of the judges concerning it, were also unanimously condemned, as being contrary to the laws of the realm, the right of property, the liberty of the subject, to former resolutions in parliament, and the petition of rights.

No one was at this time more forward, or vehement in representing the public grievances, Zeal of Mr. Hyde.
 than Mr. Hyde, who was afterwards Earl of Clarendon. In his impeachment of three of the judges,* he said, "the great resolution in ship-money was a crime of a prodigious nature;"

* Though the judges had been highly criminal in supporting the arbitrary conduct of the court, those were much more so who had obliged them to it by threats or solicitations. Mr. Hyde was one of a committee who were appointed, December the 7th, to go forthwith to the judges, to know how they were threatened or solicited, and in what

manner and by whom, to give any opinion or judgment concerning ship-money.

It is apparent, likewise, that the judges had not gone such lengths in sacrificing the laws as had been expected and insisted on. For when Felton, who had stabbed the Duke of Buckingham in 1628, was brought before the council, and pressed to acknowledge

A.D. 1640. and he set forth the state of the public in a different light from what it appears in his history. Instead of that "plenty and felicity" which he there describes, he said to the lords, that "the peace of this island had been shaken and frightened into tumults and commotions, into the poverty, though not into the rage, of war, as a people prepared for destruction and desolation:" and "it is no marvel than an irregular, extravagant, arbitrary power, like a torrent, hath broke in upon us, when our banks and our bulwarks, the laws, were in the custody of such persons."

who advised him to commit such a bloody fact, and if the puritans had no hand therein; he denied (as he did to the last) that they had, or that any person knew of his intentions. Laud (then bishop of London) told him, "if he would not confess, he must go to the rack:" Felton replied, "if it must be so, he could not tell whom he might name in the extremity of torture; and if what he should say then, must go for truth, he could not tell whether he might not name his lordship, or any others of the council; for torture might draw unexpected things from

him." The king, upon this, ordered the opinion of the judges to be taken, whether Felton might be racked; and, on November 14, 1628, being assembled together in Serjeants' Inn, they agreed that no such punishment was known or allowed by the law. When Felton was sentenced to death, he offered his hand that did the fact to be cut off; but the court said, they could not inflict that punishment. The king, however, sent to the judges to desire that his hand might be cut off before execution; but the court answered, that it could not be.

The commons, upon the grounds of the petitions presented to them, proceeded with vigour in an inquiry into the conduct of the ministers. Lord Keeper Finch, and Sir Francis Windebank, secretary of state, a noted papist, fled into foreign parts; but the Earl of Strafford, who trusted, though unwillingly, to the king's power to protect him, was soon brought to the scaffold. He had at first been as loud in complaints, and as zealous for rectifying the disorders of the nation, as any man; but he afterwards deserted the popular party, and became as forward a supporter of the arbitrary proceedings of the crown. Though he was prosecuted by the commons, and fell under an act of attainder, he more properly fell a victim to his enemies* at court; for he might have been

A.D. 1640.

The king's
ministers
prosecuted.Earl of
Strafford
beheaded.

* Though the Earl of Strafford was the only one that, for some years, suffered death under the prosecution of the commons, (for Archbishop Laud was not beheaded till 1644,) Lord Clarendon charges them, at the beginning of this parliament, with having an appetite for blood. At the same time, he intimates that Secretary Windebank ought to have suffered death likewise; though it is evident that the secretary was but an under

instrument; and he declared afterwards, in a letter from France, that, in his protection of popish priests, he had acted by orders. It is remarkable, also, that Mr. Hyde (Lord Clarendon) carried up a message to the lords after the trial, that Lord Strafford intended to escape from the Tower, and desired his guard might be strengthened, and that he might be kept in close confinement.—*Rushworth.*

A.D. 1640. preserved if the king had not been overruled by these, and if he had strictly adhered to the advice of Mr. Holles.*

Remarks
on the
king's con-
duct.

It is an observation frequently made, that King Charles lost his power by giving up Lord Strafford to the parliament; an observation which appears calculated to ensure the safety of succeeding ministers, by encouraging their masters to support them at any rate. But the truth of the case is, that the king had it not in his power openly to protect the Earl of Strafford, without a breach with his parliament, which, considering his necessities, would have been too hazardous an attempt. It is evident, that the loss of his power should be really dated from the period in which he lost the confidence of his people. It was not owing to his making concessions, but to his not making them in time. By the tenacity with which he clung to every abuse and every usurpation, he showed that each concession was dictated by a sense of weakness to resist his subjects, not by a feeling of affection for them.

* Bishop Burnet has given a relation of this from Lord Holles. Mr. Stringer (who died in 1702, many years before the bishop's history ap-

peared) has related the same with no material alterations, and says, he had often heard it from Lord Holles.

The jealousy and distrust which the people had A.D. 1640. entertained of the king, and which his principles and conduct had too deeply implanted in their minds, were the real foundation of his misfortunes ; they rendered all his endeavours to satisfy the nation ineffectual, and they deprived even his virtues of their efficacy. That adherence to his principles, which, in a just cause, would have appeared firmness of mind, in an unjust one deserved no other name than obstinacy. The king believed that he held his crown by a divine right, and that the people owed him a passive obedience. He must, therefore, think that they could not limit his power ; that he was superior to the laws ; and that he might dispense with these as he might think proper. This the clergy taught ; and what they maintained he had a right to do, the king unfortunately showed he was resolved to do. The parliament, however, were equally resolved ; besides the acts for the attainder of the Earl of Strafford, they prepared several laws for redressing the public grievances : to these the king readily gave his assent ; and, among others, to an act for triennial parliaments, an act for granting the king a subsidy of tonnage and poundage, and an act for declaring void the late

A.D. 1640. proceedings touching ship-money.* These acts had an immediate and universal influence in composing the troubles and restoring the quiet of the nation.⁹⁹

If the king had properly considered his own interest, as connected with that of the public; if he had not thought himself entitled to an unlimited authority; here was a happy opportunity for him to have concluded all differences with his parliament: with the exceptions of the act for Lord Strafford's attainder, (which was owing to a resentment for his having so shamefully abandoned

* Lord Clarendon says, judges for giving the said judgment; which, with great acrimony, he called a crime of a prodigious nature, and in particular, he said, "the demanding of ship-money was against Magna Charta."

⁹⁹ The royal assent was not very readily obtained for these bills. They were presented together with a poll bill, and bills for the abolition of the court of star-chamber, the high commission, and several other courts. But while Charles gave an immediate assent to the poll bill, he affected to pay no attention whatever to the others. The murmurs, however, which this conduct excited quickly caused him to pass these also. As usual, the concession was resisted just long enough to render it ungracious.

the cause of liberty, for which he had originally been an advocate and sufferer,) and the bill for continuing the parliament, (for which the frequent and abrupt dissolutions had furnished a plea,) none of the laws now passed had the least appearance of violence, or have been since complained of. They were all just, salutary, and constitutional. Though they preserved the rights of the people, they did not interfere with the interest of the crown. The parliament had hitherto proceeded with zeal for the constitution, without derogating from the honour of the king, or offering him any personal indignity.

A.D. 1640.

A.D. 1641.

That marvellous calm, which, Lord Clarendon says, ensued, both within doors and without, after passing these laws, might have been perpetual, and would in all probability have continued, if the king's subsequent conduct had not again raised up the storm. He had declared to his parliament that he would take a journey into Scotland. The necessity of this did not appear; and any step so extraordinary, which was not necessary, at so critical a time, must consequently breed suspicions. The parliament could not be free from these: and accordingly, in an address, they desired him to lay aside his design of going; but without effect.

The king's
journey
into Scot-
land.

A.D. 1641. They therefore sent a committee of both houses, Lord Howard for the lords, Mr. Hampden and Sir Philip Stapleton for the commons, to attend him in his journey.³⁰ Whilst he was in Scotland, he made it his study to gain over those who had been most active against him; and particularly Lesley, general of the Scotch army, whom he at that time made an earl. He was so liberal of his favours, that, as Lord Clarendon says, "he seemed to have made his progress into Scotland only that he might make a perfect deed of gift of that kingdom." The way to obtain any favours from him was open; for the same author says, "that many of that nation were whispering in his ear, and assuring him, that, as soon as the troubles of the late storm could be perfectly calmed, they would reverse and repeal whatsoever was now unreasonably extorted from him." Of these insinuations the committee could not be ignorant: the king's receiving and encouraging such insinuations, and

³⁰ Besides the members mentioned in the text, this committee included the Earl of Bedford, Sir William Armyne, and Mr. Fiennes. For the appointment of this committee, and for other precautions, the houses sat on Sunday; but they cautiously apologized to their constituents for this irregularity, which they excused by stating that they were engaged upon a work of necessity.

making them the steps to his favour, afforded an indirect declaration of his intentions. The parliament, knowing this, must know that they could not be secure without proceeding farther; and that the people could not depend on the enjoyment of those laws they had obtained, without depriving the king of the power to break them again. They saw that his assent to them was but a temporary compliance, which, indeed, was consonant to the whole tenor of his former conduct. A.D. 1641.

The king, before his journey into Scotland, had countenanced a design of some officers to inflame the English army against the parliament; * a circumstance which had revived the distrust the public had of his sincerity. This unnecessary journey into Scotland, and extraordinary liberality to the Scotch general and others, increased this distrust; and the Irish rebellion, which broke out during his stay in Scotland, unhappily confirmed it. Above one hundred and fifty thousand protestants, according to the general accounts, were massacred by the Irish papists,³¹ with all the cir- Irish massacre.

* Rapin.

³¹ Clarendon says, forty or fifty thousand, and the number was, doubtless, very much less. Mr. O'Driscoll's patriotism is too conspicuous in this part of his history.

A.D. 1641. cumstances of cruelty which a superstitious rage could inspire. The leaders among the Irish published in a circular letter, that the English protestants, especially the parliament, had been guilty of divers great and heinous affronts to the king's person and prerogative; and that therefore the king had granted them a commission* to possess themselves of all places of strength in the kingdom of Ireland. Whether the assertion that the king had granted such a commission was true or false, it had a fatal influence upon the minds of the people of England; and as the Irish in their declaration made the English parliament the great object of their resentment, this document naturally induced the public to regard the parliament as their principal bulwark against the fury of the papists.

Affairs were in this fatal situation, and the people in this unhappy disposition, at the king's return from Scotland. If the parliament, from the private views or resentment of any particular members, had been ever so ill disposed towards the king, nothing could have enabled them to

* It cannot be thought that the king was privy to the massacre; but it is apparent that, in the war which afterwards ensued between him and the parliament, he intended to make use of those Irish who had been actors in the destruction of the protestants.

pursue, the extreme measures which they afterwards took, but the assistance and affections of the public; and nothing but the king's want of sincerity, of which he had given the strongest proofs,* could have so closely united the public

A.D. 1641.

* The following instances, among others, of the king's violating his promise were remarkable.

March 24, 1641-2, he repealed his grant for passing the bill of tonnage and poundage.—*Whitlocke*, p. 55.

March the 4th, 1642-3, commissioners for a treaty of peace, the Earl of Northumberland, Mr. Pierpoint, Sir William Armyne, Sir John Holland, and Bulstrode Whitlocke were sent to Oxford. Whitlocke, in p. 65, says, upon one of the most material points they pressed his majesty with their reasons, and best arguments they could use, to grant what they desired. The king said, "he was fully satisfied; and promised to give them his answer in writing according to their desire; but because it was then past midnight, and too late to put into writing, he would have it drawn up the next morning, and then he would give them his answer in writing, as it was now

agreed upon." They waited upon him the next morning at the hour appointed; but, instead of that answer which they expected, and were promised, the king gave them a paper quite contrary to what was concluded the night before, and very much tending to the breach of the treaty. They did humbly expostulate this with his majesty, and pressed him "upon his royal word," and the ill consequences which they feared would follow upon this his new paper; but the king told them "he had altered his mind," and that the paper which he now gave them was his answer, which he was now resolved to make upon their last debate; and they could obtain no other from him; which occasioned much sadness and trouble to them. Some of his own friends informed them, that after they were gone from the king, and his council were also gone away, some of his bed-chamber, (and they went higher,) being

A.D. 1641. with the parliament. As the parliament seemed more and more determined to secure the constitution against any future encroachments; so the king, after his return, became more violent in his

for the continuance of the war, never left pressing and persuading the king, till they prevailed with him to change his former resolutions, and to give order for his answer to be drawn as it was now delivered.

—*Whitlocke*, p. 65.

Many endeavours were used, from time to time, to bring matters to an accommodation by way of treaty; but some one unlucky accident or other rendered them abortive. At the treaty of Uxbridge, though the parliament's demands were high, and the king showed a more than ordinary aversion to comply with them; yet the ill posture of his affairs at that time, and the fatal consequences they feared would follow upon breaking off the treaty, obliged a great many of the king's friends, and more particularly that noble person the Earl of Southampton, who had gone post from Uxbridge to Oxford for that purpose, to press the king again and again upon their knees to yield to

the necessity of the times, and, by giving his assent to some of the most material propositions that were sent him, to settle a lasting peace with his people. The king was, at last, prevailed with to follow their counsel; and the next morning was appointed for signing a warrant to his commissioners to that effect: and so sure were they of a happy end of all differences, that the king at supper complaining his wine was not good, one told him merrily, he hoped his majesty would drink better with the lord mayor at Guildhall before the week was over. But so it was, that when they came early the next morning to wait on him with the warrant that had been agreed on over-night, they found his majesty had changed his resolution, and was become inflexible in these points. What occasioned this alteration in the king's mind, was a letter he had just received from the Marquis of Montrose out of Scotland, ac-

proceedings.³² His removing the governor of the Tower, and putting in another, who was universally obnoxious, and this in the midst of the people's jealousy and apprehensions; his seizing the papers of particular members of parliament, and going to the house in a hostile manner to demand their persons; all these intemperate acts, at a time too when the parliament's credit and authority were so great were as weak as they were violent. A.D. 1641.

The point upon which the king ought, in policy, to have made his stand against the parliament, was the act that they should not be dissolved without their own consent; for this was a change of the constitution, and an invasion of his just prerogative. Upon this point all moderate men would have joined him; and the public would,

quainting him with some unexpected success; and, therefore, desiring him not to treat with the parliament. — *Wellwood's Memoirs.*

³² The reason generally assigned by the people for the removal of Sir William Balfour from the governorship of the Tower was, that he had refused to connive at the escape of the Earl of Strafford when the court had matured a plot for that purpose. Colonel Lunsford, who succeeded Balfour, was at the time an outlaw; a sentence he had incurred by an attempt at assassination.

A.D. 1642. perhaps, have seen the force of his reasons against so violent an act. Many, upon seeing the king urged to a compliance with a thing unjust in its own nature, would have lost sight of the necessity which they thought there was for such a measure, and have been more slow in justifying or supporting the parliament in their other proceedings. But, on the contrary, the king, through a mistaken pride, was obstinate for his prerogative in points obnoxious to public liberty and unknown to our constitution, and this made the commons the more resolute in their measures. Thus affairs were carried on till each side was too much inflamed. The king was full of anger at the proceedings of the parliament; and his anger was stimulated by the courtiers about him. The parliament, fully determined to support their conduct, and pursue the reformation they had begun, were without confidence in the honour of the king, and felt it necessary to guard with watchfulness every success which they obtained with so much difficulty. All England was divided into parties for the king or the parliament. Every man was engaged, either in inclination or action, for one or the other.

CHAPTER V.

Account of the life of Sir Anthony Ashley Cooper, and of the concern he had in public affairs, from the year 1643 to the death of Oliver Cromwell.

WE are now arrived at the period when Sir A.D. 1643. Anthony began to distinguish himself in the conduct of public affairs. During the years 1641 and 1642, he resided with his lady and family in different parts of the kingdom, as the circumstances of the times rendered it necessary. The counties he chiefly lived in were those of Norfolk, Nottingham, York, and Durham. He was at Nottingham and Derby when the king was at those places, but he only appeared there as a spectator. But in 1643 he returned into Dorsetshire, to his house at St. Giles's Winborne; and then it was that his superior talents soon became conspicuous. He was often meditating on the immediate mischiefs and the future evil consequences of the civil war; and he justly apprehended that the longer it should continue, the

Sir Anthony engages in public affairs.

A.D. 1643. more fatal it would prove. He was sensible that whichever side should conquer, the other would be much depressed; and that the contest, if persisted in, must end either in an unlimited monarchy, if the king prevailed, or an indigested commonwealth if the parliament succeeded. To avoid both these evils, he formed a scheme which, though not calculated to make his court either to the king or the parliament, was intended to restore and establish the nation's peace upon a solid and happy foundation. When Sir Anthony had prepared his plan, he went to Oxford, where he was recommended to the king by his relation the Marquis of Hertford, and introduced by Lord Falkland. At his audience, he informed the king, "that he had a proposal to make, which he hoped might put an end to the war, and terminate the differences between him and the parliament." The king, looking earnestly at him, said, "You are a young man, and talk great things. What way will you take to compass such an undertaking?" Sir Anthony replied, "that he was persuaded the men of estates in almost every part of England were tired of the war, especially as they had no fairer prospect of its conclusion than they had at first; that he knew this was the

Scheme
formed by
him.

Lays it be-
fore the
king.

opinion of those who resided in his county, and where he had any concerns. He therefore desired the king would authorize him to treat with the principal garrisons of the parliament, and get these delivered into the hands of such persons as were men of character, and would act impartially between him and the parliament: that these should declare for calling a new and a free parliament, who, perhaps, might be better disposed to accommodate the differences than those whose minds might have been sharpened by some former proceedings." He made his proposal appear so practicable, and so much to the king's satisfaction, that he was presently commissioned to put it in execution.

A.D. 1643.

Commissioned to carry it into execution.

He returned to Dorsetshire, and met with such success in his treaty with the garrisons of Weymouth, Poole, Dorchester, and other places, that the garrison of Weymouth actually admitted the persons recommended by him, and the rest engaged to follow their example. But Prince Maurice, who commanded some of the king's forces in those parts, entered the town and pillaged it, after it was agreed to be surrendered; which made the troops of the garrison think themselves to be betrayed. Sir Anthony not only expressed his

Scheme defeated by Prince Maurice.

A.D. 1643. resentment to Prince Maurice, but sent notice to Poole and the other garrisons to be upon their guard, as he could not secure his articles to them. He went immediately afterwards to Oxford, and gave the king an account of what progress he had made, and the interruption he had met with in his undertaking; at which the king shook his head with some concern, but said little.

Another
scheme
formed by
Sir An-
thony.

This scheme being thus defeated, Sir Anthony formed another, which was carried farther than the former; for, by his interest and indefatigable application, he engaged in it a great part of the independent gentlemen in England. He proposed to raise the posse comitatus, under the command of the several high sheriffs. These, upon a treaty being set on foot between the king and the parliament, were to declare and join against that side which should appear immoderate, or averse to a fair and just accommodation. By the assistance of Sir Walter Earle, Serjeant Fountain, and others, he pursued his design with such success in Dorsetshire and the adjacent counties, that a considerable body of men was soon raised. These, who were afterwards called the club-men, alarmed the armies both of the king and parliament; and if some, who had undertaken to rise,

had not failed in their engagement, they might A.D. 1643. have carried their point, and forced both parties into a peace. This conduct, however, was misrepresented to the king; and those courtiers who were for prolonging the war found means to irritate him against Sir Anthony, that they might suppress his active genius, and prevent his farther schemes. Accordingly, they counselled the king to invite him to Oxford, and then to proceed against, or, at least, to confine him. Charles, who was always too much under the influence of those about him,* wrote Sir Anthony a very obliging letter, desiring his attendance and advice; but the letter being shown to the Marquis of Hertford, he, out of regard to Sir Anthony, and resentment that his friend and relation, and one who had been recommended by him, should be ill-treated for his loyal endeavours for the king's and the nation's welfare, immediately sent him notice of the letter and the court's intentions. Soon after the receipt of Lord Hertford's letter, Sir Anthony received the king's; but being forewarned, and expecting no safety near the royal forces, he went suddenly and privately to London, where the parliament appointed a committee to receive and

Quits the
king's
party.

* Stringer.

A.D. 1643. examine him ; but he absolutely refused to make any discovery, either of persons, or the management of affairs, whilst he was at Oxford. In every part of his life he governed himself by this rule, "That there is a general and tacit trust in conversation, whereby a man is obliged not to report anything to the speaker's prejudice, though no intimation may be given of a desire not to have it spoken of again."³³

His generous conduct with regard to Mr. Holles.

He gave, in 1645, a remarkable instance of his adherence to this just and generous sentiment, with regard to Mr. Holles. There had been, for

³³ This account of Sir Anthony's secession from the king's party differs very materially from that given by Clarendon and the other royalist historians. This version of the affair is derived, through Stringer's MS. and Locke's Memoirs, from Shaftesbury himself ; and exhibits him, not as a sworn partisan of the king, deserting him from disgust at some personal slight, but as a sanguine youth, whose inexperience led him to imagine that he could effect by mediation what older and more influential men had attempted in vain. Such an assumption of independence must have been highly culpable in the eyes of the arbitrary Charles ; and it is not surprising that he should attempt to impose force upon a man on whom he could so little depend. In this instance, as in so many others, the weakness and tyranny that made up the Stuart character converted a lukewarm friend into an active enemy. We must not, however, forget that this is Shaftesbury's own account of the transaction ; and the same impartiality that prevents our yielding implicit credence to Clarendon, should induce us to receive this with considerable hesitation.

some time, a family quarrel* between them; A.D. 1643. which Mr. Holles had carried so far, that when Sir Anthony was chosen for Downton in Wilts, but not returned, Mr. Holles, by his interest, obstructed the hearing of his petition. In 1644, Mr. Holles had been joined with Mr. Pierpoint, Lord Wenman, and Mr. Whitlocke, as a committee from the house of commons, along with the Earl of Denbigh and Lord Maynard for the peers, and with three of the Scotch commissioners, to carry to the king at Oxford propositions of peace. In a visit which Mr. Holles and Mr. Whitlocke made one day to the Earl of Lindsey, they were surprised at the coming in of the king; who, after other conversation, desired them to write down what they thought would be a proper answer to the parliament's propositions. This they did; and Lord Saville, who was there, accused them afterwards to the commons for transacting separately with the king. The leaders of the independent party in the house being jealous of Mr. Holles, who was a man of great influence and strongly opposed to their designs, pushed on the inquiry against him with extreme

* Mr. Holles married the daughter of Sir Francis Ashley, who had endeavoured to ruin Sir Anthony in the Court of Wards.

A.D. 1643. animosity; but they wanted some witness who would give credit to their proceedings. As Mr. Holles's enmity to Sir Anthony was well known, they doubted not but Sir Anthony would readily embrace such an opportunity of avenging himself. He was accordingly summoned to the house, and examined whether he knew or had heard of Mr. Holles's having had any secret transactions with the king; but he could not be induced to make the least discovery,³⁴ though he was threatened with being sent to the Tower for his contumacy. Mr. Holles was so sensibly affected with Sir Anthony's conduct, that he paid him a visit to express his gratitude; but Sir Anthony said, that he lay under no obligation to him, for what he had done was out of regard to his own charac-

³⁴ He told them he could answer nothing at all; for though, possibly, what he had to say would be to the clearing of Mr. Holles, yet he could not allow himself to say anything in the case, since, whatever answer he made, it would be a confession that if he had known anything to the disadvantage of Mr. Holles, he would have taken that dishonourable way of doing him a prejudice, and wreak his revenge on a man that was his enemy.—*Locke's Memoirs*. The reader will probably be inclined to admire Sir Anthony's conduct upon this occasion much more than the reasons by which he defended it. It is not to Lord Holles's honour that he omits all mention of this circumstance in his memoirs.

ter; though, if Mr. Holles should think him A.D. 1643. worthy of his friendship, as he knew his merit, he would with pleasure receive it. Mr. Holles was struck with this generosity and openness of behaviour; and from that time they lived in uninterrupted friendship.

This conduct of Sir Anthony towards Mr. Holles was a proof of that greatness of mind for which he was distinguished through every part of his life; and it is very remarkable that, amongst all the slanders with which venal or prejudiced writers have aspersed his character, no one has ever accused him of betraying any confidence which was reposed in him, even by those who were afterwards his enemies. Now, if it be considered how constantly he was engaged in intrigues of state, and how various those intrigues were, it cannot be doubted but that an after discovery would often have furnished him with abundant opportunity either of private advantage or revenge. If, therefore, he had been either covetous or vindictive, he would have been tempted to betray the secrets entrusted with him; or, if he had been of a fearful temper, he would have been terrified into doing so.

Remarks
on Sir An-
thony's
conduct.

Though he laid himself under the restraint of

A.D. 1643. never revealing anything to the prejudice of others, or betraying the secrets of conversation, no man was more observant * of the bias and turn of men's minds, or had a quicker insight into their views and designs.

* Mr. Locke says, "that he never knew any one penetrate so quick into men's breasts, and, from a small opening, survey that dark cabinet." He gives the following instance of Sir Anthony's penetration :

"Sir Richard Onslow and he were invited by Sir J. D. to dine with him at Chelsea, and desired to come early, because he had an affair of concernment to communicate to them. They came at the time, and being sat, he told them he had made choice of them both, for their known abilities, and their particular friendship to him, for their advice in a matter of the greatest moment to him that could be. He had, he said, been a widower for many years, and began to want somebody that might ease him of the trouble of housekeeping, and take some care of him under the growing infirmities of old age, and to that purpose had pitched upon a woman very well known to

him by the experience of many years; in fine, his housekeeper. These gentlemen, who were not strangers to his family, and knew the woman very well, and were, besides, very great friends to his son and daughter grown up and both fit for marriage, to whom they thought this would be a very prejudicial match, were both in their minds to oppose it; and, to that purpose, Sir Richard Onslow began the discourse; wherein, when he came to that part he was entering upon the description of the woman, and going to set her out in her own colours, which were such as could not have pleased any man in his wife, Sir Anthony, seeing whither he was going, to prevent any mischief, begged leave to interrupt him, by asking Sir J. a question; which, in short, was this, whether he were not already married? Sir J. after a little demur, answered, 'Yes truly, he was married the day

Sir Anthony entered with zeal into the service of the cause which he had now espoused, and his influence and ability soon procured for him considerable commands. On the 14th of August 1644, he was appointed, by the lords and com-

A.D. 1644.

Sir Anthony's transactions in the parliament's army.

before.' 'Well then,' replied Sir Anthony, 'there is no more need of our advice: pray let us have the honour to see my lady, and wish her joy; and so to dinner.' As they were returning to London in their coach, 'I am obliged to you,' said Sir Richard, 'for preventing my running into a discourse which could never have been forgiven me if I had spoke out what I was going to say. But, as for Sir J. he, methinks, ought to cut your throat for your civil question. How could it possibly enter into your head to ask a man who had solemnly invited us on purpose to have

our advice about a marriage he intended, had gravely proposed the woman to us, and suffered us seriously to enter into the debate, whether he was already married or no?' 'The man and the manner,' replied Sir Anthony, 'gave me a suspicion that, having done a foolish thing, he was desirous to cover himself with the authority of our advice. I thought it good to be sure before you went any farther, and you see what comes of it.' This afforded them entertainment till they came to town, and so they parted."—*Locke's Memoirs.*³⁵

³⁵ Mr. Locke gives another instance of Shaftesbury's acuteness in drawing conclusions from minute observation. Soon after the Restoration, he and the Earl of Southampton were dining with the Earl of Clarendon; the Lady Anne Hyde, who had been recently privately married to the Duke of York, was present. As Shaftesbury and Southampton were returning home together, the former remarked, "Yonder Mrs. Anne Hyde is certainly married to one of the brothers." Southampton,

A.D. 1644. mons, one of the committee of the county of Dorset, &c. for governing the army. He had the command of a brigade, consisting of Colonel Popham's and Colonel Cooke's regiments. At the head of these he marched to Wareham, and, furiously attacking one of the outworks, drove the enemy into the town. Intimidated by this onset, the royalists immediately surrendered, and Sir Anthony granted them terms, which showed how little inclined he was to severity. Three hundred of the garrison undertook to serve the parliament against the rebels in Ireland.

Takes
Wareham,

Corfe
Castle.

Not long after, he was ordered by the parliament to draw together, out of the several garrisons, a sufficient number of horse and foot to blockade Corfe Castle, which he successfully per-

who was a confidential friend of the chancellor, but who was quite ignorant of the marriage, thought the idea absurd, and asked him how so wild a fancy could get into his head. "Assure yourself," replied Shaftesbury, "it is so; a concealed respect, however suppressed, showed itself so plainly in the looks, voice, and manner, wherewith her mother carved to her or offered her of every dish, that it is impossible but it must be so."

It would appear, from Mr. Locke's manner of telling this story, that he was present at the conversation. It is equally creditable to the earl's penetration, whether we attribute his knowledge to his own observation, or to the accuracy of his private information,—one of the first requisites to a statesman.

formed. Corfe soon surrendered, and received a strong garrison for the parliament; and, for the better preservation of the place, Sir Anthony threw a troop of horse, with a body of foot, into Lulworth. A.D. 1644.

On the 25th of October 1644, he was appointed commander-in-chief for the county of Dorset; and, with a brigade of horse and foot, which he drew out from the garrisons of Wareham, Poole, and Weymouth, he marched to Abbotsbury, a place at that time of importance, situated on the sea-coast. Upon his approach, Colonel Strangeways, who was governor of the town, and had a considerable force, garrisoned his house. Sir Anthony came before it at night, and sent a summons to the colonel, who returned a slighting answer; and the garrison hung out a bloody flag. A party of the garrison having entered into the church, which flanked the house, Sir Anthony ordered a body of musketeers to attack them. After a smart skirmish, they surrendered, and were all made prisoners. Then Sir Anthony sent a second summons, offering under his hand fair quarter to the garrison, which he declared they must not expect if they should oblige him to storm. They resolved to admit of His exploit
at Abbots-
bury.

A.D. 1644. no treaty, and added some expressions of contempt to the second answer. Upon this, Sir Anthony, who had only fire-arms and hand-granadoes, but no cannon for a regular siege, and who was desirous of intimidating other garrisons by the vigour of his proceedings, began to storm the house. The action was very hot during six hours, and he was forced to burn down an out-gate to a court before he could get up to the house. His men presently rushed through the fire close to the hall porch, and plied the windows so hard with their muskets, that the enemy durst not appear in the lower rooms; and whilst, with his scaling ladders and granadoes, he attacked the upper apartments, some of his troops wrenched open the windows of the lower with iron bars, and, by firing into it, the house was soon in a flame. He then offered the enemy quarter again, which they thought proper to accept. Notwithstanding the fire, his men immediately fell to plundering the house, and could not, either by commands or entreaties, be induced to leave it; though it was represented to them that the enemy's magazine was near the fire, and, if they stayed, would prove their destruction. It happened so soon afterwards; for the powder taking

fire, blew up all who were in the house, and, by A.D. 1644. the violence of its explosion, threw up fourscore, who were in the court, some distance from the ground; but of these only two were much hurt. He lost but fifteen men in the action, and above sixty by this accident; among others, Captain Heathcock, and two or three officers, who were sent into the house to get out the soldiers. The house was burnt, notwithstanding all Sir Anthony's endeavours to the contrary. Colonel Strangeways, the major, and three captains of his regiment, were taken prisoners, with about one hundred foot and thirty horse. Sir Anthony sent a letter to the committee of parliament, to acquaint them with his success. He gave great encomiums to the several officers under him, and particularly to some who went as volunteers. From hence he marched to Dorchester, to refresh his men, who were fatigued with the action. But his active temper not allowing him to continue idle, he successfully attacked the remaining garrisons in Dorsetshire, and reduced them to an obedience to the parliament.

Sir Anthony, after this, marched to the relief of Taunton town and castle, where Blake, (whose name became afterwards so illustrious as an ad-

Relieves
Taunton.

A.D. 1644. miral,) was governor. Blake had held it out with great obstinacy and success, notwithstanding the great want of ammunition and provisions, and the weakness of the works. Colonel Wyndham commanded the siege, and Sir Lewis Dives was marching with a considerable force to support him; but Sir Anthony meeting this body, attacked and routed it, obliged the colonel to raise the siege, and immediately acquainted the parliament with the relief of the town.³⁶

Quits his
military
employ-
ments.

Sir Anthony acted not long in a military capacity; and as he accepted these employments with no view to private advantage, but from a sense of honour and the impulse of his courage, he was guilty of no oppressions on the people of the country or those under his command. He was beloved by the soldiers, and respected by the officers. These were so far from being jealous or envious of him, that though he was so young, and had so lately entered into the service, yet the colonels of those regiments under his command were afterwards much attached to him; and one of them, Colonel Popham, went with him through

³⁶ It appears from Whitlocke that Sir Anthony had in this expedition fifteen hundred men under his command.

most of his after attempts to bring about the A.D. 1644.
Restoration.

In the year 1645,³⁷ he was made high sheriff of A.D. 1645.
the county of Norfolk,³⁸ and in the following year
high sheriff of the county of Wilts, with a parti-
cular ordinance of parliament for liberty to reside
in Dorsetshire,* where he lived in retirement,
acting only as a justice of peace; in which office,
so useful at a time when such animosities pre-
vailed, he was of great service to the county, as
he was an active magistrate.

About this time, affairs bore a different appear- A.D. 1644.
ance from what they had done at the beginning Rise of the
of the parliament, and were under other guidance. Independ-
ents.

• Whitlocke.

³⁷ At this time Whitlocke says of him: "he professed his great affection to the parliament, and his enmity to the king's party, from whom he had revolted, and was now in great favour and trust with the parliament." This was probably a formal declaration upon receiving some appointment.

³⁸ This is an error: Sir Anthony never was sheriff of Norfolk. Sir Jacob Astley held the office during this year, and hence probably has arisen the mistake; neither was he ever sheriff of Dorsetshire. He has been often spoken of as sheriff of that county, but the rolls of Dorsetshire do not contain his name. These mistakes have been corrected by a note in Kippis's *Biographia Britannica*, tit. Cooper, which article appeared after the Doctor had completed his labours upon this work.

A.D. 1644. A new set of men had obtained influence in the house of commons, and their views seemed to be not so much a restoration or improvement of the constitution, as a total change of it. The former leading members of the parliament, such as the Earls of Essex, Bedford, and Manchester, among the lords; Hampden, Pym, Holles, and others, in the house of commons, had very sincere intentions and extensive views for the public good. They had begun the opposition on account of the grievances that were introduced and supported by the court, and they had prosecuted a redress of these with great steadiness. When the civil war broke out, many of them maintained by the sword those rights and liberties which they had avowed and supported in parliament. Some of the principal members of the commons, particularly Hampden and Pym, died in the beginning of the war; others, who grew weary of the service, retired into their several counties. In their room a new party had been growing up; these were the Independents, who had all the fire of enthusiasm, who were more determined in their measures, and therefore more constant in their attendance. As they were bent on pushing things to an extremity between the king and the parliament, they re-

solved to lay aside the Earls of Essex, Bedford, A.D. 1644.
 and others, who had the command of the army,
 and were desirous of an accommodation. For this
 purpose they contrived what was called the self-
 denying ordinance, by which no member of either Self-
denying
ordinance.
 house of parliament could, during the war, enjoy
 or execute any office or command, civil or military.
 This was strongly opposed by Mr. Holles, Sir A. D.
1644-5.
 Philip Stapleton, and others of the Presbyterian
 party; and as strenuously supported by Sir Henry
 Vane, Oliver Cromwell, and the rest of the Inde-
 pendents. Cromwell, who was both a member of
 the house of commons and lieutenant-general of
 the army, was the principal contriver of it; and
 had at that time formed a scheme for raising
 himself, which he afterwards carried on with won-
 derful success, and to a greater extent than he
 had probably at first designed. In pursuance of
 this ordinance, the Earls of Essex, Denbigh,
 and Manchester, Sir William Waller, Sir Philip
 Stapleton, and others, resigned their commissions;
 and Sir Thomas Fairfax, a man of great bravery
 and conduct, of rigid honour in his principles,
 but of too easy a temper, was made general of
 all the parliament's forces. Cromwell went down
 into the west just before the former officers sur-

A.D. 1645. rendered their commissions, and so influenced

Fairfax, that he wrote to the parliament, representing the necessity of continuing Cromwell in his commands; to which, by several ordinances from time to time, they assented. Cromwell, in the name of Fairfax, new modelled the army; which, by putting in officers who were known only to himself, he entirely governed. This army carried on the war against the king with greater vigour and with superior success, until he was at last so much reduced, his forces being routed in almost every engagement, and the chief of his garrisons having surrendered, that he made his escape privately from Oxford, and threw himself into the hands of the Scotch army at Newark.

A.D. 1646. The Scotch were then in possession of Newcastle, Carlisle, and other English garrisons; but they

The Scotch
deliver up
the king.

agreed to deliver up these, and likewise the king, to the parliament, upon the payment of a considerable sum of money. The parliament, soon after the agreement, sent commissioners to the Scotch army to receive the king; who was conducted, under a safe guard, to Holmby House in

Conduct of
the army.

Northamptonshire. After this, the English army, having no enemies to encounter, and being elated with success, began to grow mutinous; forgetting

their masters, who raised them, and the principles A.D. 1646. for which they had fought so long. Absolutely under the influence of Cromwell, they became subservient to all his ambitious designs; and assumed the boldness to petition against, and censure, not only the measures of the parliament, but even any individual members whom he pointed out to their dislike. They established a council of officers to superintend the affairs of the army; which officers were some of Cromwell's principal confidants and agents. This step made his intentions very evident, and alarmed those members of the house of commons who had the welfare of their country still in view, and courage to pursue it. Among these, Mr. Holles was one of the most eminent; he foresaw the coming danger, and determined to resist it while it might yet be withstood. He formed a resolution to attack Cromwell publicly in the house of commons. This design he communicated to his friend Sir Anthony, who attempted in vain to dissuade him from his purpose. His profound knowledge of the state of affairs, and the relative strength of parties, appears from the following account of this transaction, as given by Mr. Locke.*

Cromwell's
designs.

* Locke's Memoirs relating to Lord Shaftesbury.

A.D. 1647. From the time of the reconciliation of Sir Anthony and Mr. Holles, they had been very hearty friends. “ It happened one morning that Sir Anthony calling upon Mr. Holles, as he often did, he found him in a great heat against Cromwell, who then had the command of the army, and a great interest in it. The provocation may be read at large in the pamphlets of that time, for which Mr. Holles was resolved,* he said, to bring him to punishment. Sir Anthony dissuaded him, all he could, from any such attempt, showing him the danger of it; and told him it would be sufficient to remove him out of the way, by sending him with a command into Ireland. This, Cromwell, as things stood, would be glad to accept; but this would not satisfy Mr. Holles. When he came to the house, the matter was brought into debate; and it was moved that Cromwell, and those guilty with him, should be punished. Cromwell, who was in the house, no sooner heard of it but he stole out, took horse, and rode immediately to the army, which, as I remember, was at Triploe Heath. There he acquainted them what the

Sir Anthony's
advice with
regard to
Cromwell.

* Lord Clarendon takes notice of this design against Cromwell, but says that Cromwell hearing of it, made his escape to the army the next morning, without going to the house.

Presbyterian party was doing in the house; and made such use of it to them, that they, who were before in the power of the parliament, now united together under Cromwell, who immediately led them away to London, giving out menaces against Holles and his party as they marched, who, with Stapleton and some others, were forced to fly; and thereby the Independent party becoming the stronger, they, as they called it, purged the house, and turned out all the Presbyterian party. Cromwell some time after, meeting Sir Anthony, told him, 'I am beholden to you for your kindness to me; for you, I hear, were for letting me go without punishment; but your friend, God be thanked! was not wise enough to take your advice.' "

. If this advice of Sir Anthony's had been followed, it might probably have contributed to the settling of the nation, and have prevented the fatal catastrophe of the king's death. For immediately upon Cromwell's going to the army, Cornet Joyce went with a party of horse, took the king away by force from the commissioners appointed by the parliament to attend him, and carried him to the army; which was done without the knowledge of Fairfax (as he acquainted the parliament),

The king
carried to
the army.

A.D. 1647. and plainly by the direction and artifice of Cromwell.

Insolent
proceedings
of the army.

Cromwell, while with the army, neglected no means to inflame them; and they, when they had the king in their power, became more violent in their conduct. A resolution had been taken in the house of commons to disband them, which might perhaps have been effected if Cromwell had been sent into Ireland. To prevent this, the army sent a petition to the parliament, couched in high terms, against their disbanding; and, to support their petition, they marched directly to St. Albans in their way towards London. In order to remove those who were most capable of obstructing them, and to intimidate others who might not be well disposed towards them, some officers were appointed to present to the commons, in the name and behalf of the army, an impeachment against Mr. Holles and ten other members, who were the spirit and support of the Presbyterian party in the house. These gentlemen immediately withdrew, and several of them retired into foreign countries.

A.D. 1648.
The king
tried and
executed.

The parliament being thus under the command of the army, and consequently under the influence of Cromwell, soon proceeded to the trial and

execution of the king; who, during his confinement and at his death, behaved with great magnanimity. A.D. 1648.

After this, Cromwell was appointed by the parliament commander-in-chief of the forces in Ireland, a promotion which was highly pleasing to him; and his success there was great, and equal to his conduct. In the year 1650, on Fairfax's resigning his commission, he was made general of all the forces in England and Ireland. A.D. 1649.
Commands conferred upon Cromwell.

A.D. 1650.

In the month of June, King Charles the Second arrived in Scotland, where he had been proclaimed by the parliament of that kingdom. He applied himself chiefly to the Marquis of Argyle, who had the greatest influence and credit. To gain his esteem he put on an appearance of devotion, and by his advice he for some time regulated his conduct. He gave a promise under his hand and seal to make him a duke, a knight of the garter, and one of his bed-chamber; as likewise to be influenced by his counsels; and that, when restored to his just rights, he would pay to the marquis forty thousand pounds,* which was Charles the Second's arrival in Scotland.

* The marquis, soon after having acted with Cromwell the Restoration, was tried, and the parliament condemned, and executed, for

A.D. 1650. due to him. Great part of this money had been lent to the king, and the rest expended in his service. It was principally by the marquis's assistance, (after Cromwell's victory at Dunbar, September the 3rd, 1650,) that the army was raised with which the king marched to Worcester, where he met with a total defeat.

His compliances there.

Whilst the king was in Scotland, to ingratiate himself with the kirk, he complied with all their fanatical proposals; and even took the covenant, which was rudely pressed upon him. This gave such jealousy to the high church party in England, that they forgot their principle of the divine right of sovereigns, and offered, by Dr. Morley, their interest to the Duke of York to place him on the throne of England in the room of his brother.

The king's compliance with the covenanters was, however, only for a short time; and when he left Scotland he quitted presbytery, and conceived a greater aversion to the professors of it from the severity of the discipline to which he had been compelled to submit.

A.D. 1651.
Sir Anthony secured as a delinquent.

The parliament, after the battle at Worcester, having some jealousy of Sir Anthony, (who had openly declared his dislike to their proceedings

and violent measures,) secured him as a delin- A.D. 1651.
 quent; and he continued some time under their
 displeasure, till they found themselves in danger
 of being dispossessed of their power and govern-
 ment by the general. Things being in this situa-
 tion, in order to gain his friendship, (as it was
 known that there was a misunderstanding be-
 tween Cromwell and him, who saw early that the
 designs of Cromwell were to raise the power of
 the army, and himself by their means,) on the 17th
 of March 1652, it was resolved by the house that A.D. 1652.
 Sir Anthony Ashley Cooper should be pardoned
 of all delinquency.

Soon after this, Cromwell, being flushed with Cromwell's
arbitrary
conduct.
 success, gave a loose to his ambition. In the most
 arbitrary manner, and in the most insolent terms,
 he suspended the very being of the parliament,
 and assumed to himself the administration of go-
 vernment. When he had obtained this, he knew
 he must be supported in it by men of spirit and
 abilities; and he endeavoured to secure in his
 service and interest such as were distinguished for
 them. Among others, he applied himself to Sir Endeavours
to gain
over Sir
Anthony.
 Anthony, and in so open a manner, that it was
 reported he would make him lord chancellor; but
 Sir Anthony was steady against all his arts and

A.D. 1652. caresses, and never * accepted of any employment under him.

Sir Antho-
ny's con-
duct in the
convention
of 1653 ;

Cromwell summoned a convention to meet on the 4th of July 1653, in which Sir Anthony was nominated for the county of Wilts ; and, during the time of its sitting, he watched every opportunity to expose Cromwell's designs of enslaving his country by this establishment. Sir Anthony well knew that the most effectual method of establishing an arbitrary power in any nation where a sense of liberty prevailed, must be by retaining the old forms of government and a shadow of the ancient constitution ; by which the people would insensibly lose the spirit of freedom, and rivet their own chains. Observing the several turns and inclinations of the members, he confounded the proposals and debates of Oliver's creatures. By his address he soon gained such an interest in this pretended parliament, that he prevented Cromwell's intentions of rendering it subservient to his greatness ; and, on the 12th of

* Through the whole collection of Secretary Thurloe's papers, which take in almost all the material transactions and the principal men in office under the protectorate, there

is no mention made of Sir Anthony but in two letters, wherein he is suspected among others to be well affected to the king, and to have remitted money to him.

December, he procured a motion to be made, that A.D. 1653.
the sitting of that parliament any longer, would
not be for the good of the commonwealth. This
motion was powerfully supported by himself and
several other members, and carried in the affirma-
tive. Upon the dissolution of this convention,
Cromwell assumed the protectorship. He called
another parliament, to sit on the 3rd of September
1654; and as Sir Anthony, by the steps which he A.D. 1654
had taken, was highly obnoxious to him, Crom-
well sent secret directions to prevent his being
returned at the next election. Sir Anthony
however was, notwithstanding these instructions,
elected for the county of Wilts.

When Cromwell was first invested with the
protectorship, he made it his study, as it was his
interest, to soften the violence of his proceedings
by all the arts of popularity. To make the public
therefore believe that they would be governed by
their own representatives, he took an oath and
subscribed an instrument, of which one of the
articles was, "That the parliament then to be
chosen, and all succeeding parliaments, were to
sit five months from the time of their meeting."
Another article declared in what proportion the
members should be chosen. They were to be

A.D. 1654. principally elected from the counties ; a regulation well adapted for the security of the constitution, inasmuch as it rendered the election of members more general and more equal, and provided against the venality and dependence of boroughs. The good effects of it appeared at that time ; many of the most considerable gentlemen of their respective counties being returned for members. Sir Anthony exerted himself as vigorously as before, and with such success that the power and authority of the protector and his new government began to be called in question.³⁸ The debates ran so high that Cromwell, being apprehensive his power would be overthrown, went to the house, and at the close of a long speech the members were required to sign a recognition in these words, viz.

and in the
parliament
of 1654.

“ I, A. B. do hereby freely promise and engage myself to be true and faithful to the Lord Protec-

³⁸ A division had taken place, whether the house should resolve itself into committee upon the instrument of government proposed to them by Cromwell, or whether it should be at once approved. The protector's creatures were for the latter proposition, but they were defeated by a majority of five, the numbers being 141 against 136. A defeat that drew from Cromwell this proof of his extraordinary tenderness for the privileges of an English parliament.

tor, and the Commonwealth of England, Scotland, A.D. 1654. and Ireland; and shall not (according to the tenour of the indenture whereby I am returned to serve in this present parliament) propose or give my consent to alter the government as it is settled in one single person and a parliament."

This being engrossed, was placed upon a table near the door of the house of commons, where no members were allowed to enter until they had signed it; which was a great breach of the new constitution, and plainly indicated Cromwell's disposition, and on what foundation he intended to build his government. The speaker and about one hundred and thirty of the members signed it the first day, and others the second;³⁹ but Sir Anthony refusing, he was excluded. The resolution of the excluded members so influenced those who were admitted, that, notwithstanding the recognition, Cromwell found the parliament would not come into his measures; and, therefore, neither his instrument of government nor oath could

³⁹ About one hundred and ninety members signed it upon this day, but that was in consequence of the liberal construction which had been put upon this document by a vote of the hundred and thirty who were already assembled.—*Parl. Hist.* vol. iii. col. 1459.

A. D.
1654-5.

keep him from dissolving it on the 22nd of January 1654-5, before the five months they were to sit were expired.

Parliament
dissolved.

Plot against
Cromwell
defeated.

The dissolution caused such a general discontent, that he sat very loose in his protectorship; and had probably been removed, if a plot, contrived between the king's party and the Levellers, had not been discovered, as it was, by one Manning, who attended the king at Cologne; which discovery enabled Cromwell to surprise the conspirators at their first rising, and prevent their gathering into considerable bodies. Several persons, as Penruddock, Grove, Lucas, and others were executed; and (as is the case in all plots that are premature and unsuccessful) this fixed Cromwell so firmly in his station that he could not easily be shaken.

Cromwell
courts Sir
Anthony.

Cromwell tried many ways to gain Sir Anthony to his interest, but without success. He named him one of his council; yet Sir Anthony never appeared or acted in it; and, as he behaved in private with the utmost circumspection, Cromwell, speaking to his friends, used to say, there was no one he was more at a loss how to manage than that Marcus Tullius Cicero, the little man with three names. But, though Sir Anthony was so reserved in his conduct toward the protector, he lived

in great friendship with his second son, Henry Cromwell, who, when deputy of Ireland, gained a general esteem.

A.D.
1654-5.

On the 17th of September 1656, another parliament met, in which Sir Anthony was again chosen. After hearing a sermon at the Abbey church at Westminster, and the protector's speech in the Painted Chamber, the members repaired to the house of commons; where they found the lobby filled with soldiers, and an officer at the door, with a list in his hand, refusing entrance to all that had not a certificate * of approbation.⁴⁰

A.D. 1656.
Another
parliament.

* These are to certify, that _____ is returned by indenture one of the knights to serve in this present parliament for the said county, and approved by his highness's council, 17th September 1656.

NATH. TAYLOR,
Clerk of the Commonwealth
in Chancery.

⁴⁰ The conduct of this parliament is pregnant with proof that the enthusiasm in favour of liberty, which once pervaded the people, was now worn away by the long and exhausting series of civil wars. An act of undisguised tyranny, that would have armed the whole nation against Charles, was submitted to in silence. So completely was the spirit of the commons tamed, that, after some discussion, they resolved by one hundred and twenty-five against a minority of only twenty-nine, "That the persons returned from the several counties, cities, and boroughs, who have not been approved, be referred to make their application to the council for approbation; and that the house do proceed with the great affairs of the nation." Such was the liberty England enjoyed under Cromwell.

A.D. 1656. Sir Anthony, with the other excluded members, (finding no redress from the house,) drew up a protestation * by way of appeal to God and the people, “ declaring the great dangers they were in from the slavery, rapines, oppressions, cruelties, murders, and confusions comprehended in the horrid act of the protector, who had now openly assumed a power to pack an assembly of his confidants, parasites, and confederates, and called them a parliament, that he might thence pretend that the people had consented to become his slaves, and to have their persons and estates at his discretion.” This remonstrance, after they had subscribed their names, they printed and published.⁴¹

* Whitlocke’s Memoirs, fol. 640.

⁴¹ Mr. Brodie remarks: “ It affords a noble proof of the spirit of Englishmen, that even this measure (that of referring the secluded members to the council) was only carried by a majority ; and that sixty members instantly absented themselves, and joined those who had been excluded when they published a remonstrance against the present arbitrary government, and a protestation against the illegal assembly at Westminster.”—*British Empire*, vol. iv. p. 402. This passage is totally at variance with the authorities he quotes in support of it. The remonstrance came from the secluded members alone, and was not signed by even the whole of these, as appears from the Thurloe papers. Instead of the measure being carried by only a majority, it was carried by a majority of three to one. There appears

The members who were admitted, being well modelled for Cromwell's designs, resolved in the first place to fix the crown on his head; but that was highly resented by the army, who had fought so long against the very name and office of a king, and especially by some of the superior officers, who perhaps had a view to succeed Cromwell in his power. He did not dare, therefore, to indulge his inclinations and accept the crown. Cromwell's junto afterwards framed another instrument of government, by the name of "the humble petition and advice of the knights, citizens, and burgesses assembled in the parliament of the commonwealth," whereby they confirmed to him the name and style of the Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the dominions and territories thereunto

A.D. 1656.

A design to make Cromwell king.

A.D. 1657.

to have been more indolence than indignation in the conduct of the other members, since, when a resolution was passed, that all persons who had been returned to serve in that parliament *and had been or might be approved by the council*, should give their attendance within seven days, the order was not disobeyed. I am afraid Mr. Brodie is unwilling to admit the extent of Cromwell's tyranny. But such an admission is far more worthy of the cause of freedom than any attempt at concealment. The justification of those who first took arms against Charles can receive no injury from truth, and no colouring can justify the fanatics who beheaded him.

A.D. 1657. belonging, (into which office he was inaugurated with great solemnity the 26th day of June 1657); and he was also thereby empowered to declare and appoint who should succeed him in that office after his death.

Bishop
Burnet's
mistakes
corrected.

It is apparent, from the exclusion of Sir Anthony from the parliament, and from the attempt that was immediately afterwards made by the remainder of the commons to place Cromwell upon the throne, that there can be no foundation for what Bishop Burnet says of Sir Anthony, "that he advised Cromwell to take the kingship." The excluded members were of course those who Cromwell thought would oppose this last flight of his ambition; and although the bishop says that Sir Anthony gave the advice with a design to destroy him, yet this does not make his story more probable, for, as this design must have been unknown to Cromwell, he would not surely have excluded the man who gave him the advice, and who, by his abilities and power of speaking, might have contributed greatly to the success of his project.

It is very probable, likewise, that if Sir Anthony had made such a proposal to Cromwell, Cromwell

would, in return, have made him one of his newly A.D. 1657.
created house of peers ; for, though many of them
were men of low extraction, education, and capa-
cities, yet, to give a dignity to the body, he
added several of the old lords and gentlemen of
the greatest fortunes and character. Now, as Sir
Anthony was distinguished for both, Cromwell
would not have omitted him ; though, at the same
time, it may reasonably be believed, from his
conduct in other respects, that if Sir Anthony
had been nominated, he would have disdained a
seat amongst them.

There appears as little foundation for another
story of the bishop's ; that Sir Anthony pretended
that Cromwell offered to make him king. Crom-
well was too fond of power, and too wise, to make
a proposal of this nature in earnest to a man of spi-
rit and understanding ; and there is as little proba-
bility that he would make the proposal in jest to a
person so conspicuous for his penetration. That
Cromwell ever seriously made such an offer is be-
yond the bounds of probability, and it is scarcely less
improbable, that a man of Sir Anthony's acknow-
ledged sense should expose himself to ridicule by
indulging in what every one must have discovered

A.D. 1657. to be an absurd boast.⁴² For this assertion the bishop does not quote any authority; and it is surprising that neither Mr. Locke nor Mr. Stringer (who have both left some account of Lord Shaftesbury) should have taken the least notice of so extraordinary a circumstance, especially if what the bishop says of him be true, viz. "that he had such an extravagant vanity in setting himself out, as made him very disagreeable:" which observation, likewise, does not seem consistent with the other parts of his character.

A.D. 1658.
Cromwell's
death and
character.

On the 3rd of September 1658, Oliver Cromwell died, and soon after him died that power which his vigour alone had supported. He had an active courage, an extensive mind, and an unbounded ambition. He was sagacious in forming, artful in conducting, and steady in executing his schemes. To a profound dissimulation, he added an extraordinary knowledge of mankind. He was zealous

⁴² It does appear that Burnet has drawn the character of Shaftesbury somewhat unfairly. The bishop for some time enjoyed his intimacy; and the earl, who was ambitious of shining in conversation, often made remarks which were rather brilliant than judicious. From these light sallies of an unguarded moment Burnet seems to have sketched those darker features which predominate in his portrait of his former friend.

for the honour of England abroad, where he raised A.D. 1658. it to a great height; but an enemy to her liberties at home, where he entirely depressed them. He sought out and employed men of abilities, as the sinews of his government. Having acquired this by art and by the sword, he maintained it by the same means, and broke through the laws wherever they interfered with his will. To his power all his views were directed, all his principles were sacrificed, all his passions were subservient; and to this were the three kingdoms, at length, entirely subjected.

CHAPTER VI.

The conduct of Sir Anthony Ashley Cooper in public affairs from the death of Oliver Cromwell to the Restoration ; and a particular account of the concern which he had in bringing about that event.

A.D. 1658.

Richard
Cromwell
succeeds his
father.

Sir An-
thony's
views.

OLIVER CROMWELL left the protectorship to his son Richard, who, being destitute of his father's abilities, could not long support it. The consequence of this was, that the government fell into great confusions, and in a short time underwent a variety of changes. In the midst of these, every man who was a wellwisher to the royal family conceived hopes of the Restoration ; and Sir Anthony, always watchful for advantages, and ever active to improve them, was in many consultations with those who had the greatest power and interest to bring it about : and, as he had always kept this in his view, it will appear that he was the principal person by whom it was effected. He thought that to divide the counsels of the government in being would be the surest method of destroying it, and of opening the door to a

restoration; and, therefore, he soon paved the way for this division. A.D. 1658.

Richard Cromwell, upon his father's death, was in a very solemn manner proclaimed protector in London and Westminster, and afterwards in most of the chief cities and towns in England: the city of London appeared very zealous; the army and navy congratulated him, and assured him of their fidelity; addresses were brought up from most of the counties in England; and compliments of condolence and congratulations were sent to him from several foreign princes, with offers of renewing their alliances. These things flattered Richard with an opinion of his security in his high station, and gave a melancholy prospect to the friends of the royal family. He called a parliament, which met January the 27th, 1658-9, the upper house consisting of the same persons whom his father had constituted his house of lords. Sir Anthony, being chosen a member of this parliament, raised and fomented, by his address, a disunion among the members in the lower house, a contempt of the upper house, and a repugnance to the protectorate; which made it impracticable to settle Richard's government by their means. The house of commons fell into

Flattering
situation of
Richard's
affairs.

New par-
liament.

A.D. 1658.

Authority
of the upper
house call-
ed in
question.

great heats upon the establishing of the house of peers. Lord Clarendon says, that “upon this argument they exercised themselves with great licence, as well upon the creator of those peers, and power of the late protector, as upon his creatures the peers; of whose dignity they were not tender, but handled them according to the quality they had been of, not that which they were now grown to. They put the house in mind how grievous it had been to the kingdom that the bishops had sate in the house of peers, because they were looked upon as so many votes for the king; which was a reason much stronger against these persons, who were all the work of the protector’s own hand, and therefore could not but be entirely addicted and devoted to his interest.”

Remark-
able speech
of Sir An-
thony.

Lord Clarendon probably made this remark in consequence of the following excellent speech of Sir Anthony’s, which is here inserted at length, as it discovers the vivacity of his wit and the freedom of his spirit, and was attended with extraordinary consequences. The reader will observe, by some little inaccuracies, and the repetition of the words “to conclude,” that it was not a studied speech; and that Sir Anthony was carried

on, by the warmth of his imagination, to a greater A.D. 1658. length than he intended.

“MR. SPEAKER,

“This day’s debate is but too clear a proof that we Englishmen are right islanders; variable and mutable, like the air we live in: for, sir, if that were not our temper, we should not be now disputing whether, after all those hazards we have run, that blood we have spilt, that treasure we have exhausted, we should not now sit down just where we did begin, and of our own accords submit ourselves to that slavery which we have not only ventured our estates and lives, but, I wish I could not say, our souls and consciences, to throw off. What others, sir, think of this levity, I cannot tell. I mean those who steer their consciences by occasions, and cannot lose the honour they never had: but truly, sir, for my own part, I dare freely declare it to be my opinion, that we are this day making good all the reproaches of our enemies, owning ourselves oppressors, murderers, regicides, subvertors of that which we do not only acknowledge to have been a lawful government, but, by recalling it, confess it now to be the best: which, sir, if it be true, and that

A.D. 1658. we now begin to see aright, I heartily wish our eyes had been sooner open ; and, for three nations' sake, that we had purchased our conviction at a cheaper rate. We might, sir, in forty-two have been what we thus contend to be in fifty-nine ; and our consciences would have had much less to answer for to God, and our reputations to the world.

“ But, Mr. Speaker, I wish with all my soul I did state the case to you amiss ; and that it were the question, whether we would voluntarily relapse into the disease we were formerly possessed of, and of our own accords take up our old yoke, that we with wearing and custom had made habitual and easy, and which (it may be) was more our wantonness than our pressure, that made us throw it off. But this, sir, is not now the question : that which we deliberate is not whether we will say, we do not care to be free, we like our old masters, and will be content to have our ears bored at the door-post of their house, and to serve them for ever ; but, sir, as if we were contending for shame as well as servitude, we are carrying our ears to be bored at the doors of ANOTHER HOUSE ; an house, sir, without a name, and therefore it is but congruous it

should consist of members without family; an A.D. 1658. house that inverts the order of slavery, and subjects us to our servants; and yet, in contradiction to scripture, we do not only not think that subjection INTOLERABLE, but are now pleading for it. In a word, sir, it is a house of so incongruous and odious a composition and mixture, that certainly the grand architect would never have so framed it, had it not been his design, as well to show the world the contempt he had of us, as to demonstrate the power he had over us.

“ Sir, that it may appear I intend not to be so prudent (as far as my part is concerned) to make a voluntary resignation of my liberty and honour to this excellent part of his highness’s last will and testament, I shall crave leave to declare, in a few particulars, my opinion of this other house; wherein I cannot but promise myself to be favourably heard by some, and patiently heard by all: for those Englishmen who are against that house will certainly with content hear the reasons why others are so too; those courtiers who are for it, give me evidence enough to think that in nature there is nothing which they cannot willingly endure.

“ First, sir, as to the author and framer of THE

A.D. 1658. HOUSE of peers; let me put you in mind it was he who, with reiterated oaths, had often sworn to be true and faithful to the government without it; and not only sworn so himself, but had been the chief instrument both to draw and compel others to swear so too. So, sir, the foundation of that noble structure was laid in perjury, and was begun with the violation and contempt as well of the laws of God as of the nation. He who called monarchy anti-christian in another, and, indeed, made it so himself; he who voted a house of lords dangerous and unnecessary, and too truly made it so in his partisans; he who with fraud and force deprived you of your liberty when living, and entailed slavery on you at his death: it is he, sir, who has left you these worthy overseers of that his last will and testament; who, however they have behaved themselves in other trusts, we may be confident will faithfully endeavour to discharge themselves in this. In a word, had that other house no other fault but its constitution and author, I should think that original sin enough for its condemnation: for I am of their opinion who think that, for the good of example, all acts and monuments of tyrants are to be expunged and erased; that (if possible) their

memory may be no longer-lived than their car- A.D. 1658.
casses; and the truth is, their good laws are but
snares for our liberty. But to impute to that
other house no faults but its own, you may please
in the first place to consider of the power which
his highness hath left it, according to that 'hum-
ble petition and advice,' which he was pleased to
give order the parliament should present to him.
For as the Romans had kings, his highness had
'parliaments amongst his instruments of slavery;'
and I hope it will be no offence for me to pray
that his son may not have so too. But, sir, they
have a negative voice, and all other circumstances
of that arbitrary power which made the former
house intolerable; only the dignity and quality
of the persons are wanting, that our slavery may
be accompanied with ignominy and affront. And
now, Mr. Speaker, have we not gloriously vindi-
cated the nation's liberty; have we not worthily
employed our blood and treasure to abolish that
power which was set over us by law, to have the
same imposed upon us without law? And after
all that sound and noise we have made in the
world, of the people's legislative power, and of
the supremacy and omnipotency of their repre-
sentatives, we now see there is no more power

A.D. 1658. left them but what is put into the balance, and equalled by the power of a few retainers of tyranny, who are so far from being the people's choice, that the most part of them are only known to the nation by the mischiefs they have committed in it.

“In the next place, sir, you may please to consider that the persons invested with that power are all of them nominated by the lord protector, (for to say by him and his council, has in effect no more distinction than if one should say by Oliver and Cromwell). By that means, the protector himself, by his own and by his peers' negative, may become in effect two of the three estates; and, by consequence, is possessed of two parts of the legislative power. I think this can be a doubt to no one who will but take the pains to read over the catalogue of those noble lords; for certainly no man who reads their names can possibly fancy for what virtues or good qualities such a composition should be made choice of, but only the certainty of their compliance with whatsoever shall be enjoined them by their creator. Pardon, sir, that name, for it is properly applicable where things are made out of nothing. If, in the former government, increase of nobility

was a grievance, because the new nobility, having A.D. 1658. fresh obligations to the crown, were more easily led into compliance with it; and if one of the main reasons for exclusion of bishops out of the house of lords was because they were of the king's making, and were, in effect, so many certain votes for whatever he had a mind to carry in the house; how much more assured will that inconvenience now be, when the protector, who wants nothing of the king but (in every sense) the title, shall not only make and nominate a part, but of himself constitute the whole? In a word, sir, if our liberty was endangered by the former house, we may give it up for lost in the other house: and it is in all respects as secure and advantageous for the liberty of the nation, which we come hither to redeem, to allow this power to his highness's officers and chaplains, as to his other creatures and partisans in this other house.

“Now, having considered, sir, their author, power, and constitution, give me leave to make some few observations (though but in general) on the persons themselves who are designed to be our lords and masters; and let us see what either the extraordinary quality or qualifications are of

A.D. 1658. these egregious legislators, which may justify their choice, and prevail with the people to admit them at least into equal authority with the whole representative body of themselves. But what I shall speak of their quality, or anything else concerning them, I would be thought to speak with distinction, and to intend only of the major part ; for I acknowledge, Mr. Speaker, the mixture of the other house to be like the composition of apothecaries, who mix something grateful to the taste to qualify their bitter drugs, which else, perhaps, would be immediately spit out and never swallowed. So, sir, his highness, of deplorable memory to this nation, to countenance as well the want of quality as honesty in the rest, has nominated some against whom there lies no other reproach but only that nomination ; but not out of any respect to their quality or regard to their virtues, but out of regard to the no quality, the no virtues of the rest ; which truly, Mr. Speaker, if he had not done, we could easily have given a more express name to this other house than he hath been pleased to do ; for we know a house designed for beggars and malefactors is a house of correction, and so termed by our law : but, Mr. Speaker, setting those few persons aside,

who (I hope) think the nomination a disgrace, A.D. 1658
and their ever coming to sit there a much greater,
can we without indignation think of the rest?
He who is first in their roll, a condemned coward;
one that out of fear and baseness did once
what he could to betray our liberties, and now
does the same for gain. The second, a person of
as little sense as honesty; preferred for no other
reason but his no worth, his no conscience; except
cheating his father of all he had was thought
a virtue by him, who, by sad experience we find,
hath done as much for his mother,—his country.
The third, a cavalier, a presbyterian, an independent;
for the republic, for a protector, for everything,
for nothing, but only that one thing,—money.
It were endless, sir, to run through them all;
to tell you of the lordships of seventeen pounds
a-year land of inheritance; of the farmer lordships,
draymen lordships, cobbler lordships, without one foot
of land but what the blood of Englishmen have been
the price of. These, sir, are to be our rulers, these
the judges of our lives and fortunes; to these we are
to stand bare whilst their pageant lordships deign to
give us a conference on their breeches. Mr. Speaker,
we have already had too much experience how insup-

A.D. 1658. portable servants are when they become our masters. All kinds of slavery are miserable in the account of generous minds ; but that which comes accompanied with scorn and contempt stirs up every man's indignation, and is endured by none whom nature does not intend for slaves, as well as fortune.

“ I say not this, Mr. Speaker, to revile any man with his meanness ; for I never thought either the malignity or indulgence of fortune to be (with wise or just men) the grounds either of their good or ill opinion. Mr. Speaker, I blame not in these men the faults of their fortune any otherwise than as they make them their own : I object to you their poverty, because it is accompanied with ambition ; I remind you of their quality, because they themselves forget it : it is not the men I am angry with, but their lordships. Sir, though we easily grant poverty and necessity to be no faults, yet we must allow them to be great impediments in the way of honour, and such as nothing but extraordinary merit and virtue can remove. The scripture reckons it amongst Jeroboam's great faults, ‘ that he made priests of the meanest of the people : ’ and sure it was none of the virtues of our Jeroboam (who hath set up his

calves too, and would have our tribes come up A.D. 1658. and worship them) that he observed the same method in making lords.

“ One of the few requests the Portuguese made to Philip the Second, King of Spain, when he got that kingdom (as his late highness did this) by an army, was, that he would not make nobility contemptible by advancing such to that degree whose quality or virtue could be noways thought to deserve it. Nor have we formerly been less apprehensive of such inconveniencies ourselves. It was, in Richard the First’s time, one of the Bishop of Ely’s accusations, that castles and forts of great trust he did (*‘ obscuris et ignotis hominibus tradere’*) put in the hands of obscure and unknown men. But we, Mr. Speaker, to such a kind of men are delivering up the power of our laws, and, in that, the power of all.

“ In the 17th of Edward the Fourth, there passed an act of parliament for degrading John Nevil, Marquis Montague and Duke of Bedford: the reason expressed in the act, because he had not a revenue sufficient for the maintaining of that dignity; to which was added, when men of mean birth are called to high estate, and have no livelihood to support it, it induceth briberies

A.D. 1686. and extortions, and all kinds of injustice that are followed by gain. And in the parliament of 2nd Carol. the peers, in a petition against Scottish and Irish titles, told the king, that it was a novelty without precedent that men should possess honours where they possessed nothing else, and that they should have a vote in parliament where they have not a foot of land. But if it had been added, or have no land but what is the purchase of their villanies, against how many of our new peers would this have been an important objection? To conclude: it has been a very just and reasonable care among all nations, not to render that despised and contemptible to the people which is designed for their reverence and awe; and, sir, an empty title, without quality or virtue, never procured any man this, any more than the image in the fable made the ass adored that carried it.

“After their quality, give me leave to speak a word or two of their qualifications; which certainly ought, in reason, to carry some proportion with the employment they design themselves. The house of lords are the king's great hereditary council; they are the highest court of judicature; they have their part in judging and determining

of the reasons for making new laws and abrogating old : from amongst them we take our great officers of state ; they are commonly our generals at land, and our admirals at sea. In conclusion, they are both of the essence and constitution of our old government ; and have, besides, the greatest and noblest share in the administration. Now, certainly, sir, to judge according to the dictates of reason, one would imagine some small faculties and endowments to be necessary for discharging such a calling ; and those such as are not usually acquired in shops and warehouses, nor found by following the plough : and what other academies most of their lordships have been bred in but their shops, what other arts they have been versed in, but those which more required good arms and good shoulders than good heads, I think we are yet to be informed. Sir, we commit not the education of our children to ignorant and illiterate masters ; nay, we trust not our very horses to unskilful grooms. I beseech you, let us think it belongs to us to have some care into whose hands we commit the management of the commonwealth ; and if we cannot have persons of birth and fortune to be our rulers, to whose quality we would willingly submit, I beseech you,

A.D. 1658.

A.D. 1658. sir, for our credit and safety's sake, let us seek men at least of parts and education, to whose abilities we may have some reason to give way. If a patient dies under a physician's hand, the law esteems not that a felony, but a misfortune, in the physician: but it has been held by some, if one who is no physician undertakes the management of a cure, and the party miscarries, the law makes the empiric a felon; and sure, in all men's opinion, the patient a fool. To conclude, sir, for great men to govern is ordinary; for able men it is natural: knaves many times come to it by force and necessity, and fools sometimes by chance; but universal choice and election of fools and knaves for government was never yet made by any who were not themselves like those they chose.

“But methinks, Mr. Speaker, I see ready to rise after me some gentlemen that shall tell you the good services their new lordships have done the commonwealth; that shall extol their valour, their godliness, their fidelity to the cause. The scripture, too, (no doubt,) as it is to all purposes, shall be brought in to argue for them; and we shall hear of ‘the wisdom of the poor man that saved the city;’ of the not many wise, not many

mighty : attributes that I can no way deny to be A.D. 1658.
due to their lordships. Mr. Speaker, I shall be as
forward as any man to declare their services, and
acknowledge them ; though I might tell you that
the same honour is not purchased by the blood of
an enemy and of a citizen ; that for victories in
civil wars, till our armies marched through the
city, I have not read that the conquerors have
been so void of shame as to triumph. Cæsar, not
much more indulgent to his country than our late
protector, did not so much as write public letters
of his victory at Pharsalia ; much less had he days
of thanksgiving to his gods, and anniversary feasts,
for having been a prosperous rebel.

“ But, sir, I leave this argument ; and, to be as
good as my word, come to put you in mind of
some of their services, and the obligations you
owe them for the same. To speak nothing of
one of my lords commissioners’ valour at Bristol,
nor of another noble lord’s brave adventure at the
Bear-Garden, I must tell you, sir, that most of
them have had the courage to do things which,
I may boldly say, few other Christians durst so
have adventured their souls to have attempted :
they have not only subdued their enemies, but
their masters that raised and maintained them ;

A.D. 1658. they have not only conquered Scotland and Ireland, but rebellious England too, and there suppressed a malignant party of magistrates and laws ; and, that nothing should be wanting to make them indeed complete conquerors, (without the help of philosophy) they have even conquered themselves. All shame they have subdued as perfectly as all justice ; the oaths they have taken, they have as easily digested as their old general could himself ; public covenants and engagements they have trampled under foot. In conclusion, so entire a victory they have over themselves, that their consciences are as much their servants, Mr. Speaker, as we are. But give me leave to conclude with that which is more admirable than all this, and shows the confidence they have of themselves and us : after having many times trampled on the authority of the house of commons, and no less than five times dissolved them, they hope, for those good services to the house of commons, to be made a house of lords.

“ I have been over long, sir, for which I crave your pardon ; therefore, in a word, I beseech you let us think it our duty to have a care of two things : first, that villanies be not encouraged with the rewards of virtue ; secondly, that the

authority and majesty of the government of this nation be not defiled, and exposed to contempt, by committing so considerable a part of it to persons of as mean quality as parts. The Thebans did not admit merchants into government till they had left their traffic ten years: sure it would have been long before cobblers and draymen would have been allowed. Sir, if the wisdom of this house shall think we have been hitherto like the prodigal; and that now, when our necessities persuade us, (*i. e.* that we are almost brought to herd it with swine,) it is time to think of a return; let us without more ado, without this motley mixture, even take our rulers as at the first, so that we can but be reasonably secured to avoid our counsellors as at the beginning.

“Give me leave, sir, to release your patience with a short story. Livy tells us there was a state in Italy, an aristocracy, where the nobility stretched the prerogative too high, and presumed too much on the people’s liberty and patience; whereupon the discontents were so general and so great, that they apparently tended to a dissolution of government, and the turning of all things into anarchy and confusion. At the same time, besides these distempers at home, there was a

A.D. 1658. potent enemy ready to fall on them from abroad, that had been an over-match for them when united; but now, in these disorders, was like to find them a very ready and easy prey. A wise man, sir, in the city, who did not at all approve of the insolence of the nobility, and as little liked popular tumults, thought of this stratagem, to cozen his country into safety. Upon a pretence of counsel, he procured the nobility to meet all together; which when they had done, he found means to lock the doors upon them, went away himself, and took the keys: then immediately summoned the people; told them, by a contrivance of his he had taken all the nobility in a trap; that now was the time to be revenged on them for their insolences; that, therefore, they should immediately go along with him and despatch them. Sir, the officers of our army, after a fast, could not be more ready for the villany than these people were; and accordingly they made as much haste to the slaughter as their lord protector could desire. But, sir, this wise man I told you of was their lord protector indeed. As soon as he had brought the people where the parliament was sitting, and when they expected but the word to fall to the butchery; 'Gentlemen,' says he, 'though I would not care how soon this

work of reformation were over, yet, in this ship of the commonwealth, we must not throw the steersmen overboard till we have provided others for the helm. Let us consider, before we take these men away, in what other hands we may securely trust our liberty and the management of the commonwealth.' And so he advised them, before the putting down of the former, to bethink themselves of constituting another house. He began and nominated one, a man highly cried up in the popular faction, a confiding man, one of much zeal, little sense, and no quality; you may suppose him, sir, a zealous cobbler. The people, in conclusion, murmured at this, and were loth their fellow mutineer, for no other virtue but mutinying, should come to be advanced to be their master; and by their looks and murmurs sufficiently expressed the discontent they took at such a motion. Then he nominated another, as mean a mechanic as the former; you may imagine him, sir, a bustling rude drayman, or the like: he was no sooner named but some burst out a laughing, others grew angry and railed at him, and all detested and scorned him. Upon this a third was named for a lordship, one of the same batch, and every way qualified to sit with the other two. The people then fell into a confused laugh and

A.D. 1658.

A.D. 1658. noise, and inquired, if such were lords, who (by all the gods!) would be content to be commoners? Sir, let me be bold (by the good leave of the OTHER HOUSE and yours) to ask the same question. But to conclude this story, and with it the OTHER HOUSE, when this wise man I told you of perceived they were now sensible of the inconvenience and mischief they were running into, and saw that the pulling down their rulers would prove in the end but the setting up their servants, he thought them then prepared to hear reason, and told them, 'You see,' says he, 'as bad as this government is, we cannot, for anything I see, agree upon a better: what then if, after this fright we have put our nobility in, and the demonstration we have given them of our power, we try them once more whether they will mend, and for the future behave themselves with more moderation?' The people were so wise as to comply with that wise proposition, and to think it easier to mend their rulers than make new. And I wish, Mr. Speaker, we may be so wise as to think so too."⁴⁴

⁴⁴ This is by far the best of those speeches which have come down to us as Shaftesbury's: perhaps it is the best specimen of the oratory of that period extant. If it was indeed an extempora-

The boldness of this speech roused a surprising spirit in the house; a spirit which terrified Richard Cromwell, and alarmed the principal officers of the army, who met and formed a council at Wallingford House. The parliament passed several votes against the council, who then per-

A.D. 1658.

neous effort, it well justifies what Burnet says of the earl, "that he had a wonderful faculty in speaking to a popular assembly, and could mix both the facetious and serious way of arguing very agreeably;" and "that he never knew any man equal to him in the art of governing parties, and of making himself the head of them." It contains powerful argument, keen sarcasm, and happy ridicule: but whether it was spoken as it is reported, admits of much doubt; and whether it was either spoken or written by Sir Anthony was equally questionable.

This speech is copied from the old Parliamentary History, vol. xxi. p. 297. It was originally published as a pamphlet, with the title of "A seasonable Speech made by a worthy member of Parliament in the House of Commons, concerning the other House, March 1659." This speech, by Anthony Wood, in his *Athenæ Oxonienses*, and by Horace Walpole, who has copied from him, is ascribed to Sir Anthony; but so far were the authors of the Parliamentary History from attributing this speech to any particular member, that they refuse to vouch its authenticity, declaring that, although it is evidently as old as it professes to be, it is too bold to have been either spoken or published at the time. The authorship of this famous oration was therefore very doubtful. Dr. Kippis, however, found among the papers from which this memoir was compiled, proof that Wood had justly attributed it to Sir Anthony; and although this decisive authority is not adduced here, he notices it in his article "Cooper" in the *Biographia Britannica*.

A.D. 1658. suaded Richard Cromwell to dissolve the house ;
Parliament dissolved. an action that immediately destroyed his government, which before had seemed so firmly fixed that the king's condition * had never appeared equally hopeless and desperate : for though a spirit had been raised among many of the members, the majority were for supporting the protector ; and had carried the question, that they would confer with the other house as a part of the parliament. As soon as his proclamation for dissolving them was issued, from that minute nobody resorted to him ; and thus the son* suffered himself to be stripped in one moment of all the greatness and power which the father had acquired in so many years, with wonderful courage, industry, and resolution.

Richard loses his power.

Conduct of the Wallingford House party. The government by a protector being broken, the general council of officers (called the Wallingford House party) assumed the administration ; but they found it easier to destroy than to establish a government. These officers were directed by Lieutenant-general Fleetwood, Colonel Desborough, and Major-general Lambert, but principally by the last ; who, though he had no employment at that time in the army, was admitted into the council, and immediately after into his

* Lord Clarendon.

old commission. He had great reputation and A.D. 1658. interest in the army, which had induced Oliver Cromwell through jealousy to deprive him of his command.

The officers not having settled their form of government, and having no foundation for their power but the sword, were perplexed with a variety of counsels; and, at the same time, were alarmed with the designs of the cavaliers and presbyterians at home, and the situation of affairs abroad, for France and Spain were negotiating a peace at the Pyrenees. At length they determined to restore the old parliament, though they were apprehensive that "an opportunity* would be given for more people to come together than would be for their benefit;" for all the surviving members of that parliament would pretend a title to sit there. In the declaration, therefore, which the officers published inviting the old parliament to meet again, they not only limited the convention to such members who had continued to sit from January 1648-9 to the 20th of April 1653, (which was the day that Cromwell with the assistance of these very officers had forced them out of the house,) but they ordered a guard likewise to attend to keep out the other members.

Parliament
of 1653 re-
stored.

* Lord Clarendon.

A.D. 1669. The next day after the declaration, the speaker Lenthal, and about forty-three of the members, went in a body to the house, where they came to a resolution* to assert, establish, and secure the property and the liberties of the people both as men and as Christians, and that without a single person, kingship, or house of peers; and to uphold a godly and faithful magistracy and ministry."

Divers of the members who were formerly secluded by the violence of the army, as Mr. Annesley, (afterwards Earl of Anglesey,) Sir George Booth, (afterwards Lord Delamere,) Mr. Pryn, Mr. Montague, Sir John Evelyn, Mr. Hungerford, and others, offered to take their places; but, though they got with some difficulty into the lobby, and insisted on their privilege, the officers denied them entrance into the house.

Council of
state.

The parliament appointed a council of state,⁴⁵ consisting of thirty-one persons; and, to give the public an opinion of their impartiality, they in the first place elected some who were not members of

* Parliam. Hist. vol. xxi. p. 380.

⁴⁵ Seven of those who were not members of the house were immediately chosen by resolution, and among these was Sir Anthony. The other three non-members and the twenty-one members were chosen by ballot the next day.

parliament, as Sir Anthony,* Sir Horatio Townshend, and some others; and then chose twenty-one members to complete the number.

A.D. 1659.

Though Sir Anthony did not sit in the council, he found means to create and foment a division amongst them; being sensible that they would not be proper instruments for settling the peace of the nation.

Sir Anthony creates division in the council.

The steps which he had taken to break the absolute governments, first of the protector, and afterwards of the army, were well known; and the reputation which he had thus acquired fixed the eyes of the public upon him. Those who were enemies to the Wallingford House party

* Mr. Stringer says, that Confusion," printed in the year
Sir Anthony did not sit in this 1659, that neither he nor Sir
council; and it appears by a Horatio Townshend ever sat
pamphlet called "England's or acted in it.⁴⁶

⁴⁶ He is there described as "a gentleman too wise and honest to sit in such company;" while Sir Horatio Townshend is said to be "a gentleman of too good estate to be hazarded with such a crew." Some of the characters of the other members, as given in this pamphlet, are amusing. Desborough is called "a country clown without fear or wit;" Mr. Wallop, "a silent Hampshire gentleman much in debt;" Fairfax, "an alloy for Lambert's brittle metal;" Bury, "the worst of major-generals except Butler;" and Josiah Barners, "fool of the play."

A.D. 1659. addressed themselves chiefly to Sir Anthony.

Applied to
by General
Monk.

Among others, General Monk, by a letter,* solicited his friendship and interest that no alteration might be made amongst the officers under his command. Sir Anthony, foreseeing the use which might be made of Monk to withstand the power

* HONOURABLE SIR,

It is some trouble to me, that the first time I should have occasion to write to you, it must be to request a favour at your hands. But I hope you will please to pardon this my incivility and boldness, and place me in the list of your friends; for, I can assure you, I shall be as ready to serve you as any friend you have. Understanding that there is a committee appointed by parliament for the presenting of officers, to be continued in the several regiments in England, Scotland, and Ireland; and knowing the officers here were, upon the first motion, most desirous that the Long Parliament might be recalled to return to their former station; I make it my request unto you, that you will be assisting that there may be no alteration amongst the officers belonging to the forces here: for I shall desire you to

give credit herein, that you may be confident that there is not any you can employ will be more ready to serve the commonwealth than they. But in case my request for the whole cannot be granted, I shall entreat that the officers of my own regiment of horse and foot, and Colonel Talbot's regiment, (a list whereof I have sent inclosed) may be continued: they have usually quartered nearest me, and so are best known to me. I shall also desire you will acquaint as many members of the house as you shall think fit to engage in this business; by doing which you will very much oblige

Your humble servant,

GEORGE MONK.

Dalkeith, 4 June, 1659.

For the Hon. Sir Anthony Ashley Cooper, one of the Council of State, at Whitehall.

of the army in England, engaged his friends in parliament to gratify the general in his request. A.D. 1669.

This conduct gave the council of state a jealousy of Sir Anthony. Mr. Scot, a few days after its establishment, accused him of holding a correspondence with the king and Sir Edward Hyde: but, though he acted with so great zeal, vigour, and success for the restoration, he never treated with the king or his minister; as appears by the letter he wrote afterwards to King Charles the Second, from the Tower. Council of state jealous of Sir Anthony.

The parliament had been restored on the 7th of May 1659, and, in the latter end of July, they had intelligence of risings in several counties. Sir George Booth raised a great body in Cheshire; Lord Willoughby of Parham, and Sir Horatio Townshend, did the same in Norfolk; and Sir Anthony had a large party engaged with him, and ready to appear at his summons, in Dorsetshire. But the undertaking being discovered, several persons failing in their engagements, and Lambert having defeated Sir George Booth, Sir Anthony concealed himself, and his friends in Dorsetshire dispersed themselves in time. However, he was soon taken, and brought to a strict examination before the council of state; where he Insurrections.

A.D. 1659. so well defended himself, that they were obliged to release him : and, on September the 14th, 1659, it was resolved by the parliament,* “that this house doth agree with the council of state; and doth declare that Sir Anthony Ashley Cooper is clear from the accusation laid against him, and that there is not any just ground of jealousy or imputation upon him.”

Lambert's
schemes.

Lambert, after he had defeated Sir George Booth, and the other forces under Sir Thomas Middleton, finding that he had great interest among the troops, was ambitious of advancing himself by their assistance. To effect this, he promoted a petition to the parliament, which was signed by the inferior officers of the army. In this they desired that they might be governed, as all armies used to be, by a general, who might be amongst them, and other officers, according to their qualities, subordinate to him; that Fleetwood might be their general, and Lambert their major-general. The address was intitled,† “The humble petition and proposal of the officers of the army under the command of the right honourable the Lord Lambert in the late northern expedition.” Lambert knew that he could easily

* Parliam. Hist. vol. xxi. p. 452.

† Parliam. Hist.

govern Fleetwood, and, when necessary, set him aside; by which the army would be at his own disposal. But the parliament was aware of his designs; and, to prevent them, passed a vote,*
 “that to have any more general officers in the army than are already settled by the parliament, is useless, chargeable, and dangerous to the commonwealth.” Soon after, they resolved to discharge Lambert, Desborough, Berry, and several others; and to appoint Fleetwood, Ludlow, Monk, Haslerigge, Morley, Walton, and Overton, to be commissioners to govern all the forces. This exasperated Lambert and the other officers, who thought themselves entitled to more favour from their late success against Sir George Booth; and having the sword, and consequently the power, in their hands, they looked on every check and opposition to their demands and their interest as an affront to them. On the 13th of October, they filled all the avenues to the house of commons with soldiers, and stopped the speaker and several members. In this manner they prevented the parliament’s sitting, relying on the general council of officers “to secure by the sword the liberties of the people and the public peace of

A.D. 1659.

Conduct of parliament.

Prevented from sitting.

* Parliam. Hist.

A.D. 1659. the kingdom." They established a council, called the Committee of Safety, consisting of twenty-three persons, and invested them with more power than had been given to the council of state. They appointed Fleetwood commander-in-chief, and Lambert major-general, of all the forces in England and Scotland. Sir Anthony had too much sagacity to neglect such a crisis.⁴⁷ He had lately

Committee
of safety.

⁴⁷ It will be seen by the note a few pages further on, that the account of Sir Anthony's conduct at this juncture, which is given in the text, is taken from a fragment of his own memoirs. Mr. Locke, in his "Memoirs relating to the Life of Anthony first Earl of Shaftesbury," has a somewhat more detailed notice of the same period: he says, "Having reason to apprehend what tyranny the usurpation of the government by the officers of the army under the title of the Committee of Safety might end in, he thought the first step to settlement was the breaking of them, which could not be done with any pretence of authority but that of the Long Parliament. Meeting therefore secretly with Sir Arthur Haslerigge and some others of the members, they gave commissions in the name of the parliament to be major-generals; one, of the forces about London; another, of the west, &c.; and this when they had not one soldier. Nay, he often would tell it laughing, that when he had his commission, his great care was where to hide it. Before this he had secured Portsmouth, for the governor of it, Colonel Metham, being his old acquaintance and friend, he asked him one day, meeting him by chance in Westminster Hall, whether he would put Portsmouth into his hands if he should happen to have occasion for it? Metham promised it should be at his devotion. These transactions, though no part of them were known in particular,

obliged General Monk in the point on which A.D. 1659. Monk had, by his letter, desired his interest; and, upon that, had established a correspondence, and entered into a friendship with him. As he thought he might depend on Monk's secrecy, and knew his jealousy with regard to the removal of his officers, he gave him notice that the committee intended a regulation among them, and

yet causing some remote preparations, alarmed Wallingford House, where the committee of safety sat, and made them so attentive to all actions and discoveries that might give them any light, that at last they were fully persuaded there was something brewing against them, and that matter for commotions in several parts was gathering. They knew the vigour and activity of Sir A. Ashley, and how well he stood affectionated to them, and therefore suspected that he was at the bottom of the matter. To find what they could, and secure the man they most apprehended, he was sent for to Wallingford House, where Fleetwood examined him according to the suspicions he had of him, that he was laying designs in the west against them, and was working the people to an insurrection that he intended to head there. He told them he knew no obligation he was under to give them an account of his actions, nor to make them any promises; but, to show them how ill-grounded their suspicions were, he promised that he would not go out of town without coming first and giving them an account of it. Fleetwood knowing his word might be relied on, satisfied with the promise he had made, let him go on his parole. That which deceived them in the case was, that knowing his estate and interest lay in the west, they presumed that that was his post, and there certainly, if any stir was, he would appear; since there lay his

A.D. 1659. advised him to prevent it by marching directly with all his forces towards the borders of England. Monk, not being one of the committee, was the more dissatisfied with their proceedings; and, having this notice of their intentions, resolved to secure himself in the interest he had acquired. For this purpose he new modelled his army, imprisoned some of his officers, and cashiered

Sir An-
thony's
advice to
Monk.

great strength, and they had nobody else in view who could supply his room and manage that part. But they were mistaken. Haslerigge, upon the knowledge that they would have Portsmouth, forwardly took that province; and he, who had instruments at work in the army quartered about London, and who knew that must be the place of most business and management, and where the turn of affairs would be, had chosen that.

“Lambert, who was one of the rulers at Wallingford House, happened to be away when he was there, and came not in till he was gone: when they told him that Sir Anthony Ashley had been there, and what had passed, he blamed Fleetwood for letting him go, and told him they should have secured him; for that certainly there was something in it that they were deceived in, and they should not have parted so easily with so busy and dangerous a man as he was. Lambert was of a quicker sight and a deeper reach than Fleetwood and the rest of that gang, and knowing of what moment it was to their security to frustrate the contrivances of that working and able head, was resolved, if possibly he could, to get him into his clutches.”

The diligent search which was now again made after Sir Anthony furnished him with many opportunities for the exercise of that remarkable penetration with which he was endowed. Upon one occasion he was entering his own house, when a

others, who were suspected by him to favour the conduct of the committee and the army in England. In their places he put creatures of his own, and advanced towards the borders of England; but there he was forced to stop, because Lambert was advancing against him with a stronger army. The two generals, unwilling to trust the whole success of their cause to the hazard of a decisive battle, agreed to a truce; whilst Monk sent the Colonels Wilkes, Cloberry, and Knight, to treat

A.D. 1659.

Monk
begins his
march.

stranger stepped up, and, upon some frivolous pretence, held him for a short time in conversation. He then took his leave, and Sir Anthony went into the house. But he had perceived sufficient in the manner of the stranger to excite his suspicion; and as soon as he was out of sight, Sir Anthony left the house again, and went over to a barber's which was nearly opposite. His penetration saved him. He had no sooner got up stairs than he could see his own door surrounded by a file of soldiers, with the stranger who had so recently held him in conversation at their head. They searched and re-searched every part of the house with indefatigable perseverance; the officer declaring that it was impossible that Sir Anthony, whom he left only three minutes before going in at his own door, could be gone again in so short a time.

The object of their search watched all their proceedings in security; but as he had no inclination to undergo a second series of interrogatories at Wallingford House, he disguised himself and withdrew into the city, where he remained hid for some time, and worked his conspiracy in secrecy, until its success enabled him to reappear with safety.

A.D. 1659. with Fleetwood and the committee of safety.

Treats with
the com-
mittee of
safety.

Sir Anthony, apprehensive of an union between Monk and the committee, used his utmost endeavours to prevent it. After many attempts, he procured a meeting between Monk's three commissioners, and himself and Sir Arthur Haslerigge, at the Fleece Tavern in Covent-Garden. At this conference they told him they had fully agreed with Fleetwood the day before, and settled the terms upon which Monk was to join him and support the committee of safety. Sir Anthony represented to them the instability of such a power as the committee of safety had, and the great danger to which Monk would expose himself in adhering to them; that, after having answered their views, and strengthened their hands, he must soon expect to be laid aside, and then ruined, though with more artifice and by slower steps than others who were less formidable to them; but that, if Monk would declare for the parliament, he might depend on being general of all their forces. Sir Anthony showed the commissioners the probability of success in restoring the parliament by the interest which he himself had in the army about London; that Portsmouth, besides, was at his disposal; that Sir

Sir Anthony's endeavours to break the treaty.

Charles Coote had assured him of six thousand A.D. 1659.
men from Ireland upon the first notice ; that
Vice-admiral Lawson, who commanded the fleet,
was in the mouth of the river, and was his firm
friend ; and that Lord Fairfax, who had so great
an influence on the soldiers, utterly abhorred the
proceedings of the council of officers. Colonel
Wilkes persisted that they had, in General
Monk's name, and by his authority, concluded
a treaty, from which Monk ought not to recede :
but Sir Anthony's discourse had such an effect
on Cloberry and Knight, that they expressed
their satisfaction at so fair a prospect ; and pro-
mised to use their interest with General Monk to
break off the treaty, refuse the terms which were
offered him, and declare for restoring the parlia-
ment. Whilst the commissioners were returning
to the general, Sir Anthony was not inactive. He
had engaged Colonel Whetham, the governor of
Portsmouth, with whom he was intimate, to de-
liver that place to him, or any friends he should
appoint ; and, accordingly, Sir Arthur Haslerigge
and Colonel Morley, at Sir Anthony's desire, went
and took possession of it in the name of the par-
liament ; while Sir Anthony remained behind,
with a commission which empowered him to take

Sir An-
thony's ac-
tivity for the
parliament.

A.D. 1659. the command of those forces about London which were every day expected to revolt from the committee of safety. This was not conducted so secretly but that some uncertain and dark notices of it were carried to the committee; upon which Colonel Cooke was sent by General Fleetwood to seize Sir Anthony, and bring him to be examined. The colonel and general both treated him, as Sir Anthony acknowledged, with great civility. He quickly found, upon discourse with Fleetwood, that they were in a mistake, and their intelligence imperfect; that they apprehended he was to command the forces against them in the west, which he assured them was not true. Then the general demanded that he would act nothing to their prejudice; but this he refused, saying, he was a member of the council of state, and greatly trusted by the parliament, whom he would do his utmost to restore; and that they might allow him a greater laxity of speech, since they must be sensible he had no power to injure them: he knew the committee had a great influence over the army; but they could not, perhaps, take a surer way to lose that influence than by ill-treating him, and others their old friends and fellow commanders: however, if they were apprehensive

Sir An-
thony
seized and
examined.

of his interest in the west, he would give them A.D. 1659. his word not to depart the city without their leave. This General Fleetwood accepted, and Sir Anthony was released ; but, immediately after he was gone, they gave orders for re-seizing him ; and, at ten o'clock at night, a party of soldiers broke suddenly into his house, which they searched strictly for him, but were disappointed, he having removed some minutes before into the city. There he continued in secret, until he had engaged a great body of the citizens for the parliament, and had procured the command of the Tower to be delivered to him, and all the army about London, both horse and foot, to be drawn up in Lincoln's Inn Fields, though the field officers had not declared for the parliament.⁴⁸

These schemes being thus happily concerted and executed ; in order to complete the great work he had designed, he went down to the fleet, and there entirely fixed Vice-admiral Lawson in

Brings
Admiral
Lawson
over to the
parliament.

⁴⁸ In this year was printed a pamphlet with the title of " A Letter from Sir Anthony Ashley Cooper, Thomas Scot, J. Berners, and J. Weaver, Esq., delivered to the Lord Fleetwood, owning their late actions in endeavouring to secure the Tower of London, and expostulating his lordship's defection from his engagements unto the parliament."

A.D. 1659. the same interest; an achievement which is thus spoken of by Lord Clarendon: "That which broke the heart of the committee of safety was the revolt of their favourite, Vice-admiral Lawson; a man, at that time, appearing at least as much a republican as any amongst them, as much an independent, as much an enemy to the presbyterians and to the covenant as Sir Harry Vane himself, and a great dependent upon Sir Harry Vane; and one whom they had raised to that command in the fleet, that they might be sure to have the seamen still at their devotion. This man, with his whole squadron, came into the river, and declared for the parliament; which was so unexpected that they would not believe it, but sent Sir Harry Vane, and two others of great intimacy with Lawson, to confer with him, who, when they came to the fleet, found Sir Anthony Ashley Cooper, and two others, members of parliament, who had so fully prepossessed him, that he was deaf to all their charms, and told them 'that he would submit to no authority but that of the parliament.'"

The parliament met again at Westminster, December 26th, 1659; and on the same day appointed Sir Anthony, Colonel Alexander Popham,

and others, to be commissioners for the command of all their forces. This appointment gave Sir Anthony an opportunity to exert, in an extraordinary instance, his sagacity and judgment. He immediately procured a meeting of the commissioners; and having provided several clerks, these were employed the whole day in writing out orders, which were sent that night to every field officer in Lambert's army, which that general had left in order to go to Wallingford House upon the treaty with Monk's commissioners. In the preamble to the order, notice was taken of the restoration of the parliament, the power they had delegated to the commissioners, and the return of the army about London to their duty: the officers were therefore directed, upon pain of being cashiered, immediately to march with their regiments to such quarters as were assigned them; which were far enough distant from each other, or from the place wherein they lay. Thus Lambert's army vanished in an instant, not one entire regiment disobeying. Orders were likewise despatched that night to other places in England where any troops were quartered, for these immediately to disband; and proper authorities were sent to such persons of estate and ability as re-

A.D. 1659.

Contrives
to dissolve
Lambert's
army.

A.D. 1659. sided near the troops, and could be trusted, to see the orders put in execution. These measures had the effect intended; so great was the consternation which this sudden and unexpected revolution produced.*

A. D.
1659-60.

On January the 7th, 1659-60, upon a report from the committee of elections in favour of Sir Anthony, he was admitted to his seat in the house of commons; and on the 13th of the same

* This paragraph is taken sheet of Lord Shaftesbury's almost verbatim from a loose manuscript.⁴⁹

⁴⁹ Mr. Locke's account is very similar: "The first thing he did was to get from the parliament a commission to himself and two or three more of the most weighty and popular members of the house to have the power of general of all the forces in England, which they were to execute jointly. This was no sooner done but he got them together, where he had provided abundance of clerks, who were immediately set to work to transcribe a great many copies of the form of a letter, wherein they reciting that it had pleased God to restore the parliament to the exercise of their power, and that the parliament had given them a commission to command the army; they therefore commanded him, (viz. the officer to whom the letter was directed,) immediately with his troop, company, or regiment, as it happened, to march to N. These letters were directed to the chief officers of any part of the army who had their quarters together in any part of England. These letters were despatched away by particular messengers that very night, and coming to the several officers so peremptorily to march immediately, they had not time to assemble and debate among themselves what to do ;

month he was made colonel of Fleetwood's regiment of horse, which soon after declared for the parliament.

A. D.
1659-60.

It would be needless to detain the reader with long remarks on Sir Anthony's conduct. It is evident that, from the time of Richard Cromwell's parliament, at least from the first establishment of the committee of safety, he had framed and acted upon his scheme for the king's restoration.⁵⁰

Remarks
on Sir An-
thony's
conduct.

and having no other intelligence but that the parliament was restored, and that the city, and Portsmouth, and other parts of England had declared for them, the officers durst not disobey, but all, according to their several orders, marched some one way, and some another; so that this army, which was the great strength of the gentlemen of Wallingford House, was by these means quite scattered, and rendered perfectly useless to the committee of safety, who were hereby perfectly reduced under the power of the parliament, as so many disarmed men to be disposed of as they thought fit."

⁵⁰ In February of this year, Lady Willoughby writes to Clarendon that Sir Anthony is his majesty's fast friend. The king had before written to Sir Anthony, desiring his assistance. The letter was conveyed by an agent of the royalists, named Mordaunt. Sir Anthony refused to treat, because he had heard, he said, that the king had made a grant of his estate to his lord chancellor, Hyde. This the chancellor denies. "I have never," he says, "been corrupted with that appetite in the least degree; and if I were, I serve a master that would not satisfy it, and who, I dare swear, hath not so much in his own secret purposes designed any one man's estate in England to any third person, much less made a promise of it."—*Clar. Papers*, vol. iii. p. 512.

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1659-60.

The nation was now thoroughly wearied of change, and disgusted with the ever varying forms of government which were daily imposed upon it. Sir Anthony saw that the first steps to a restoration must be dividing and disarming the officers, restoring the old parliament, and then obtaining a free one. He had formed his design with great penetration, and he conducted it with steadiness and activity. In pursuing it, he adapted himself to the different views and passions of several sorts of men, but kept his own intentions secret. It was owing solely to his interest that Portsmouth was put into the hands of Sir Arthur Haslerigge, whose view was only to restore the old parliament. He engaged the soldiers, and likewise secured the fleet, to favour this preliminary measure. He worked up a spirit in the city to declare for a free parliament; and by his policy broke the army, or, at least, deprived them of the power of doing any immediate mischief. With the same prudence, the same vigour, he pursued the other part of his design, and exerted the whole of his influence to procure a free parliament.

Sir Anthony encourages Monk to come to London.

Sir Anthony, soon after his conference with Monk's commissioners, sent a letter to persuade him to come to London, and assuring him he

should meet with no obstruction in his march. This was subscribed, likewise, by some others, who had been of the council of state; but in his correspondence with Clarges, who was hearty for the restoration, Sir Anthony opened himself more freely, and showed him that it was practicable. Monk, upon the invitation which he had received, marched to Newark; and the way being cleared for him by the dispersing of Lambert's forces, he advanced towards London. On the road he was addressed by Lord Fairfax and others, who intimated their desire of seeing the ancient government restored. He received them with civility, but answered with great reserve. Sir Arthur Haslerigge, Mr. Scot, and others, grew jealous and apprehensive of him. They resolved to check the power of one whom they thought so dangerous; and therefore offered to make Sir Anthony general of their forces, if he would march against him. Though Sir Anthony might have promised himself success in the undertaking, Monk's army being small and his cavalry weak, he refused their offer, and told them he had given Monk a promise of his friendship, which he would not break. This reduced him to a worse state with them than Monk was. They perceived his opi-

A. D.
1659-60.

Monk's
march.

A. D.
1659-60.

Monk's
arrival in
London.

nions to be repugnant to theirs, and from that time never consulted with him.⁵¹

Upon Monk's approach, Sir Anthony, to perform his promise and prevent any opposition, procured an order of parliament that the soldiers in and about London should march forth, and make room for Monk ; who immediately entered the town, and ordered them into distant quarters.

⁵¹ Sir Anthony's great talent is at no period so apparent as in his conduct of the various and difficult intrigues with which this time was so rife. We always find him prominent and indefatigable, and he is generally successful. He overlooked no source of information, and he was almost always the first to surprise his friends and confound his opponents by a discovery of the most secret counsels and the most covert designs. He had undertaken a difficult task when he proposed to direct the conduct of Monk, a man who was ambitious, yet undecided as to the object of his ambition ; desirous of power, yet without talent to acquire or retain it ; and singularly fortunate in obtaining by conduct, which resulted only from irresolute selfishness, a reputation for deep thought and disinterested patriotism. Yet Sir Anthony, when he had once resolved to make him the instrument of a restoration, watched him with unerring caution, and guided him with the influence of a superior mind. For this purpose he had gained over the general's wife, who naturally dreading the result of the dark designs in which she feared her husband was engaged, confided to Sir Anthony all she either observed or suspected. This channel of information enabled him, on several occasions, to give Monk signal proofs that he had a superior master at intrigue to deal with,—one whom it was in vain for him to attempt to deceive.

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1659-60.

The jealousy which had been conceived of Monk increasing every day amongst those who wished to establish an oligarchy, they resolved to put him upon some action that would lessen his interest in the city, and consequently in the country. In order to this, Sir Arthur Haslerigge and his party procured a meeting, in the council-chamber at Whitehall, of such persons as they thought most attached to them among the members of the council of war and council of state. Sir Arthur himself carried the general to this assembly, who was no sooner entered but the doors were secured, and a guard placed without, with express orders that no one whatever should be admitted. Neither Sir Anthony nor any friend of Monk's had the least notice of this till about an hour after the assembly had sat; when an officer of the army, by accident seeing Sir Anthony and Mr. Weaver in a coach in Fleet-street, acquainted them with it, apprehending it was upon some very important business, by the locking of the doors, and the orders that had been given to the guards; both which he (being then in the outward room) saw and heard. Upon this, Sir Anthony and Mr. Weaver hastened to Whitehall; where the guards, out of respect to them, (being both mem-

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1659-60.

Council's
order to
Monk con-
cerning the
city.

bers of the council of state,) permitted them to knock and call at several doors of the room ; but they could have no admittance. They went immediately to Monk's wife, who was apprehensive of some ill design, because her husband had no previous knowledge of that meeting ; nor could she be satisfied till they returned with her to the council-chamber, where she called aloud that she had business of great consequence to impart to her husband ; but no artifice could prevail to have the door opened, or one word of answer returned from within. After this second repulse, they returned to her lodgings, and stayed there till the general came home, which was not before two o'clock in the morning. He appeared more confused and disturbed than was usual in a man of his courage and resolution : and he told them, " that he did not like the proceedings of the council ; for, taking a pretence from a ridiculous attempt of some apprentices and others in the city some days before, they had expressly ordered him to pull down, that very morning, the gates, portcullises, and chains of the city, and to send ten of the principal citizens prisoners to the Tower."

Sir Anthony laid before him the ill conse-

quences which must attend such an action ; that he would lose the hearts of all the well-meaning men in the city and nation, and be at the command of those who evidently hated him. But as the general was unwilling to come to an open breach with the council and the parliament, to whom he had publicly professed his attachment, and who, by voting him out of his employment, might have forced him into a rupture with them, he replied that, be it as it would, he could not now do otherwise than obey these orders : and he put them in execution the next day. The parliament now thought it in their power to use him as they pleased ; and accordingly, instead of making him general of all their forces, as they had promised him, they by an ordinance conferred the command of the army upon five commissioners or any three of them. Monk, indeed, was one ; but Sir Arthur Haslerigge and three more of Sir Arthur's friends were the rest. The same evening General Monk returned to his lodgings at Whitehall, where Sir Anthony and some others of his friends represented to him the condition into which he had brought himself, and the slight the parliament had put upon him ; so that his ruin was near if he would not take some vigorous

A. D.
1659-60.

He complies with it.

A. D.
1659-60.

Declares
for a free
parliament.

The joy of
the citizens.

measures to prevent it. Their remonstrances prevailed; and the next morning he marched into the city, and there wrote a letter to the persons sitting at Westminster, signed by himself and fourteen of the principal officers of his Coldstream regiment, demanding a full and free parliament; and by the importunity of Sir Anthony, Colonel Popham, Sir Edward Harley, and others, he repaired to Guildhall, where he gave the lord mayor and court of aldermen an account of what he had done, making an apology for what he had been compelled to the day before. The lord mayor and citizens refused, at first, to put any confidence in him, till Sir Anthony, Colonel Popham, and their friends had prepared them for his reception with an assurance that he was sincere in what he was then prosecuting, of which they were afterwards so well satisfied, that the merit of his second action easily atoned for the severity of the former. He was followed home to his quarters in the city with the greatest acclamations and with unusual expressions of joy, which appeared by ringing of bells, bonfires, and roasting of rumps in derision of the parliament.

The people were so unruly in their joy, that, as Sir Anthony and Colonel Popham were going

through the streets, the mob surrounded the coach, and knowing them to be members, cried out with some rudeness, "Down with the rumps!" Sir Anthony looked out, and, smiling, said to them, "What, gentlemen, not one good piece in a rump?"* The mob, with their usual fickleness, were taken with the jest, and attended him and the colonel with loud acclamations.

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1659-60.

The spirit of hostility so openly manifested by the city intimidated the parliament. Upon the receipt therefore of the letter† from Monk and his officers, they presently voted the filling up of their house; but they required such strict qualifications, that none but those who were zealous men of that party could sit amongst them. By this they manifested their design of continuing the legislative power in themselves, their friends, and their posterities, instead of settling a government that might be equal and just to the people, whose security must chiefly lie in having their representatives accountable to them by frequent elections. General Monk, likewise, was apprehensive that the revolution might proceed too fast for him to preserve the direction of it. He attached himself, therefore, to no party, but con-

Parliament
intimi-
dated.

Monk's re-
served con-
duct.

* Stringer.

† Whitlocke.

A. D.
1659-60.

versed indiscriminately with men of different principles, that they might all depend upon him as their leader. He often convened numbers of them to confer together in his presence on the posture of affairs, intermixing them as he thought fit, and keeping the kingdom in great suspense; and, if even those who knew him best were not mistaken, he himself was in equal uncertainty. Sir Anthony saw that the parliament's intention was to perpetuate their own power, and Monk's to raise himself by their means; and being sensible that his design of restoring the king could only be effected by the dissolution of that parliament, he pursued with ardour the reinstating of the secluded members.⁵²

A design to
imprison Sir
Anthony.

About this time, Colonel Markham informed Sir Anthony, "that he had just been with the general, and as he was going into his apartment

⁵² In a pamphlet called "Reply to a second return to the letter of a noble peer concerning the addresses," published many years after, and preserved in Lord Somers' Tracts, vol. viii. p. 338, Shaftesbury is spoken of as "a man who had one of the chief hands in restoring a prince to his kingdom, as I know he had; and without whose courage and dexterity some men, the most highly rewarded, had done otherwise than they did." This pamphlet was written either by Shaftesbury or some other of the chiefs of the party, and the assertion was never denied.

he met Sir Arthur Haslerigge and Mr. Scot coming out, whom he overheard to say, that they would secure Sir Anthony Ashley Cooper before to-morrow noon; that he was afraid they had been tampering with the general and were come to some agreement." Upon this intelligence, Sir Anthony went to Monk, told him frankly what he had heard, and pressed him to be equally unreserved. Monk, after much importunity and some dark discourse, owned what had passed between Sir Arthur Haslerigge, Mr. Scot, and himself; and that he had engaged to return to his lodgings at Whitehall the next morning to support their interest and obey the parliament's orders. He did not deny that they had promised to make him general of all their forces; but assured Sir Anthony that he would take upon himself to make them *his* friends, and would have a particular regard to *his* interest. This was about five o'clock in the afternoon; when Sir Anthony left him, desiring he might at night have a farther conference on that subject. Sir Anthony, before he went, gave Monk's wife an account of what had passed, advising her to send for her brother Clarges, as himself would for Colonel Cloberry and Colonel Knight. Being met, they united

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1659-60.

A. D.
1659-60.

Secluded
members
restored.

their efforts to persuade the general to restore the secluded members; to which, after some hours' debate, he consented, and gave Clarges and Sir Anthony a commission to summon them together at the Prince's Lodgings in Whitehall at nine o'clock the next morning, promising that they should be conducted to the parliament-house with honour and safety. A considerable number accordingly assembled at the appointed place. This was effected without the least notice being given to the other party: for when Sir Arthur Haslerigge came thither, expecting the general was returned as a friend, and found so many of the secluded members, with great resentment in his countenance he said to Sir Anthony, "This is your doing, but it shall cost blood." Sir Anthony replied, "Your own, if you please; but Sir Anthony Ashley Cooper will not be secured this morning." General Monk, coming forth at that instant into the great room, told Sir Arthur, who reminded him of his promise, that it was necessary for the public peace to restore those members, who had declared they intended no alteration of the government, and proposed nothing farther than to pave the way for a new parliament; and since there was no method of issuing

summons but by writs in the name of the keepers of the liberty of England by authority of parliament, it could not be apprehended that any other government would be introduced. The secluded members being admitted, the parliament repealed all the orders by which they had been excluded; renewed and enlarged the general's commission; passed an act to dissolve themselves on the 17th day of March 1659-60, and to call another parliament to sit on the 25th day of April following. They likewise appointed a new council of state, consisting of thirty-one persons, viz. General Monk, Sir Anthony Ashley Cooper, Colonel Popham, William Pierpoint, John Crew, Colonel Rossiter, Richard Knightly, Colonel Morley, Lord Fairfax, Sir Gilbert Gerrard, Lord Chief Justice St. John, Sir John Temple, Lord Commissioner Widdrington, Sir John Evelyn, Sir William Waller, Sir Richard Onslow, Sir William Lewis, Colonel Edward Montague, Sir Edward Harley, Colonel Norton, Arthur Annesley, Denzil Holles, esqrs. Colonel George Thompson, John Trevor, Sir John Holland, Sir John Potts, Colonel Birch, Sir Harbottle Grimston, John Swinton, John Weaver, esqrs. and Serjeant Maynard.

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1659-60.

Act to dissolve the
Long Parliament.

A. D.
1659-60.

These were invested with power to act in all matters relating to the government, as well during the sitting as in the intervals of parliament.

The parliament, about two days before the dissolution, ordered the following engagement, viz. "I do declare and promise that I will be true and faithful to the Commonwealth of England, as the same is now established without king or house of lords," to be taken off the file, and made void.

Scheme to
make
Monk pro-
tector.

Sir Arthur Haslerigge, Mr. Scot, and the chief of that party, concluded by this step that the parliament intended to restore the king. Therefore, after they had privately consulted with several officers of the army, they went to the general at Whitehall, and told him that many of his friends were much troubled at what the parliament had done, as it tended both to the ruin of himself and the public; since it was evident, by what had been voted the day before, that the restoration of the king was designed. They said, that they found a commonwealth was disagreeable to the disposition of the people, who were always bad judges of what was best for them; and therefore, since a government by a single person was necessary, there

could not be one fitter than himself for that office; and that in this decision they had ground to believe the nation in general would concur.

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The next day they went to him again, taking with them Monsieur Bourdeaux, the French ambassador; who, after the others had used all their arts to persuade Monk to take the government,* gave him assurances that Cardinal Mazarine was desirous of his friendship, and would faithfully assist him. He represented to him what a glory it would be to dignify his family with the empire of three kingdoms; and assured him that in the attempt he might depend, not only on the cardinal's friendship and assistance, but on a safe retreat and honourable support in France in case he should fail of success. Monk's eyes were dazzled by the prospect, and at last he consented.

Great part of the night was spent in forming the scheme; and it was resolved to secure Sir Anthony, and several others, who were likely to be most active in opposing the design. The general's wife, who had overheard part of the discourse behind the hangings, sent her brother

* Lord Clarendon says, that Monk was offered all the authority of Cromwell and the title of king.

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Clarges to acquaint Sir Anthony with what had been concluded that night. He commended her prudence for making the discovery, as it might save her husband and family; for Monk, he said, had not quickness enough for such an undertaking, and must certainly be ruined in the attempt.⁵³

Defeated
by Sir An-
thony and
his friends.

Sir Anthony immediately sent for those members of the council of state, who he knew would not favour the proceedings of Sir Arthur Haslerigge, to meet by eight o'clock at the council chamber at Whitehall.

At this meeting, Sir Anthony told the general he must be sensible that every trial which had been made of new forms and methods of government, instead of providing a settlement or security for the people, produced only tyranny and oppression; that it was impossible for England

⁵³ This lady is called some very hard names in the Thurloe papers, and these have been lately put prominently forward by an author who seems to have imbibed a most unreasonable degree of dislike both for her and her husband. It is not at all impossible but these tales are mere scandal; but, if true, why rake up her early errors to influence our judgment upon her subsequent conduct? Was there no womanly merit in refusing the prospect of a crown, because the struggle for it must compromise her husband's safety?

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to be a free nation under the government of an army and the power of the sword; that the fluctuations and revolutions must be endless unless the ancient laws and constitution of the kingdom were restored, which could not be effected but by restoring the king; and that, since there must be a single person, he who had the best right to it was fittest to be on the throne. Sir Anthony also told Monk, that though many persons might think themselves in danger by the restoration, it would be his fault if there should be any sufferers; for he might bring in the king upon such terms and conditions as would make every man safe, himself great, and the nation happy. In this Sir Anthony said they expected he should assist them, and engage upon his honour that nothing should divert him from it. Monk, apprehensive that his designs were discovered, and being encompassed by a set of men with whom, at that time, he was unable to contend, made no scruple to give them any assurances; and, as a proof of the sincerity of his intentions, he consented to change several commissions in the army.⁵⁴

⁵⁴ This account of one of the most important intrigues in our history is probably taken from Stringer's MS.: it agrees in every

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1659-60.

Commis-
sions in the
army chan-
ged,

Sir Anthony made immediate use of this concession; for, being well acquainted with the characters of most of the officers, he drew up an establishment of the army,* which reduced

* The rough drafts of this establishment of the army and navy, in his own hand-writing, are among his papers, in the possession of the present Earl of Shaftesbury.

material circumstance with that given by Mr. Locke, who doubtless derived his information from the earl himself. After speaking of the private understanding which had taken place between Monk and the French ambassador, and the manner in which it had been discovered to Sir Anthony by Mrs. Monk, Mr. Locke describes the scene in the council-chamber, thus:—
“ Upon this notice, Sir Anthony caused the council of state, whereof he was one, to be summoned; and when they were met, he desired the clerks might withdraw, he having matter of great importance to communicate to them. The doors of the council-chamber being locked, and the keys laid upon the table, he began to charge Monk, not in a direct and open accusation, but in obscure intimations and doubtful expressions, giving ground of suspicion that he was playing false with them and not doing as he promised. This he did so skilfully and intelligibly to Monk that he perceived he was discovered, and therefore in his answer to him fumbled and seemed out of order, so that the rest of the council perceived there was something in it, though they knew not what the matter was; and the general at last averring that what had been suggested was upon groundless suspicions, and that he was true to his principles and stood firm to what he had professed to them, and had no secret designs that ought to disturb them, and that he was ready to give them all manner of satisfaction: whereupon Sir A. Ashley closing with him and making a further

six regiments of foot and one of horse, and made a reduction in all the garrison companies not regimented. By this, several officers were removed, and others, who could be trusted, were

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use of what he had said than he intended, for he meant no more than so far as to get away from them upon this assurance which he gave them: but Sir A. Ashley told him that if he was sincere in what he said, he might presently remove all scruples if he would take away their commissions from such and such officers in his army, and give them to those whom he named, and that presently and before he went out of the room. Monk was in himself no quick man; he was guilty alone among a company of men who he knew not what they would do with him, for they all struck in with Sir A. Ashley, and plainly perceived that Monk had designed some foul play. In these straits, being thus close pressed and knowing not how else to extricate himself, he consented to what was proposed; and so immediately before he stirred, a great part of the commissions of his officers were changed; and Sir Edward Harley among the rest, who was a member of the council and there present, was made governor of Dunkirk in the room of Sir William Lockhart, and was sent away immediately to take possession of it; by which means the army ceased to be at Monk's devotion, and was put into hands that would not serve him in the design he had undertaken. The French ambassador, who had the night before sent away an express to Mazarine, positively to assure him that things went here as he desired, and that Monk was fixed by him in his resolution to take on himself the government, was not a little astonished the next day to find things taking another turn. And indeed this so much disgraced him in the French court, that he was presently called home, and soon after broke his heart."

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put in their places. As he chiefly influenced the council of state, who owed their being to him, they readily approved of it; and Monk could not dissent without renewing their jealousy.

and in the
navy.

Sir Anthony settled, likewise, with great assiduity, the establishment of the navy, the list of ships, and the several captains, with whose characters he was well acquainted. This he sent to his friend, Admiral Montague, (afterwards Earl of Sandwich,) for his approbation; who returned him the following answer:

“ Sir,

“ This evening I have received your commands concerning an establishment for the navy, which I shall obey as soon as possibly I can. I suppose it will necessarily require Monday’s and Tuesday’s time to inform myself and consider about it, after which you shall receive a further account from

“ Sir,

“ Your most humble servant,

“ E. MONTAGUE.

“ Swiftsure, off Greenhive,

“ March 24, 1659-60.”

Sir Anthony, having taken these steps in relation to the army and the navy, obtained an order from the council of state,* that it should be referred to himself, Mr. Holles, and five others, or any three of them, to "inform themselves what officers, civil or military, in the Tower of London were dangerous, and not fit to be continued in a place of so much importance:" and a few days afterwards, other orders were issued out, giving a power "to remove from thence all such persons as were not actually employed in the service of the state."

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Orders relative to the Tower.

Sir Anthony, by thus remodelling the army and the navy, and securing the Tower, provided against any future relapse of General Monk. Monk saw this, and how ineffectual it would be for him now to attempt to oppose or obstruct the progress of the restoration. When, therefore, he found the current of affairs turning so strong that way, he had sufficient sagacity to fall in with it, and preserve, at least, the appearance of steering the vessel. The honour of bringing about this event was naturally enough ascribed to him,

Monk favours the restoration.

* The original order, signed council, is among Lord Shaftesbury's papers.
John Rushworth, clerk of the

A.D. 1660. merely from his command, which made him the principal object in view.

Farther
steps of the
council of
state.

The council of state took all the necessary steps for preserving the public peace. They published a proclamation for preventing tumults and disorders. They formed an engagement to be subscribed by the officers of the army, whereby these were to acquiesce in whatsoever should be done by the succeeding parliament; and such officers as refused to sign were immediately displaced, to make room for others, who were more complying. They likewise caused the act to be put in execution for electing members for the new parliament; and the people, being weary of the oppressions arising from so many changes of government, chose such representatives as were thought to be well inclined toward the restoration. These measures being taken by the council of state, the king, watchful to improve so favourable a crisis, sent Sir John Grenville from Breda with a declaration to be delivered to the parliament at their meeting.

Convention
Parliament.

The new parliament met upon the five-and-twentieth day of April 1660. The lords chose the Earl of Manchester, and the commons Sir Harbottle Grimston, for their speakers. On the

1st of May, Sir John Grenville delivered the de- A.D. 1660.
 claration, with a letter from the king to the house
 of lords, as likewise to the house of commons.
 In these were ample assurances of "a general par-
 don to all such as would lay hold of it within
 forty days, except those who should be excepted
 by the parliament; and a liberty was promised to
 tender consciences, and that none should be ques-
 tioned for difference of opinion in matters of reli-
 gion which did not disturb the peace of the king-
 dom." The two houses, the same day, voted that
 the government ought to be in king, lords, and
 commons.

A select committee, of which Sir Anthony was
 one, was appointed to draw up an answer to the
 king's letter; and this answer was ordered to be
 kept by the clerk with such privacy, that no copy
 thereof might be taken by any person till it had
 been communicated to the king.⁵⁵ In this an-
 swer were contained thanks to the king for his
 esteem of parliaments, and his character of them,

⁵⁵ If by this it is intended to be conveyed that the committee
 drew up and sent the letter, it is incorrect, as it underwent con-
 siderable revision by the whole house. The superscription
 "To the King's Most Excellent Majesty," could only be placed
 by the express order of the house.

A.D. 1660. "that they were so necessary for the government of the kingdom, that neither prince nor people could be in any tolerable degree happy without them." The commons vindicated the honour of the last parliament, and declared them innocent of King Charles the First's murder; which they said was the act of a few ambitious and bloody persons. They said, that, after such an universal shaking of the foundations of government, great care must be had to repair the breaches; and much circumspection and industry used to provide things necessary for the strengthening of those repairs, and preventing whatsoever might disturb or awaken them: and since the king's own judgment had prompted to him the necessity of making the kingdom happy, by the advancement of religion, the security of the laws, liberties, and estates of the people, and the removing all jealousies and animosities, they could not doubt of his effectual performance of those things. Two days afterwards, the following commissioners were chosen to be sent to Breda: viz. the Earls of Warwick, Oxford, and Middlesex, Lord Viscount Hereford, Lord Berkley, and Lord Brook, for the peers; Lord Fairfax, Lord Falkland, Lord Bruce, Lord Castleton, Lord Herbert, Lord Man-

deville, Sir Horatio Townshend, Sir Anthony A.D. 1660.
Ashley Cooper, Sir George Booth, Sir John
Holland, Sir Henry Cholmly, and Denzil Holles,
Esq., for the commons. These were ordered to The king
restored.
present the humble invitation and supplication
of the parliament, "That his majesty would be
pleased to return, and take the government of the
kingdom into his hands:" and on the 8th of May,
the king was solemnly proclaimed, the speakers
and members of both houses attending.

CHAPTER VII.

Sir Anthony made one of the new Privy Council. — Advanced to the Peerage. — His Generosity. — Conduct of Charles. — Dissolution of Parliament. — [Sir Anthony sits at the trial of the Regicides.] — The new Parliament assemble. — Their Proceedings. — Sale of Dunkirk.

A.D. 1660. THE suddenness with which this restoration was brought about was surprising to the world, and it far exceeded the king's hopes; but, according to Mr. Locke, Sir Anthony had laid the plan of it some time before. This plan he had formed when all the forces who had appeared for the king were defeated, and when the court abroad and the royalists at home were totally dispirited. Sir Anthony's conduct accounts for that uncertainty with which Lord Clarendon and other historians confess Monk to have acted; who, it is evident, was turned and directed by his policy, and fixed by his resolution.

When Sir Anthony attended, with the other

commissioners, at Breda,⁵⁶ the king distinguished him in a particular manner; and told him, "he was very sensible with what zeal and application he had laboured for his restoration." As a proof that the king sincerely thought so, Sir Anthony was one of the first persons admitted into the privy council. On the 9th of June 1660, he was made governor of the Isle of Wight,* and colonel of a regiment of horse. He was likewise made chancellor of the exchequer and under-treasurer, and was appointed lord-lieutenant of the county of Dorset. Even whilst the king was at Canterbury, before the coronation, he was created a baron, by the title of "Baron Ashley † of Win-

A.D. 1660.

Honours
conferred
upon Sir
Anthony.

* These two commissions, which are among Lord Shaftesbury's papers, are under the hand and seal of Monk, by virtue of an authority from the king: the last was probably for the regiment of horse which had been Fleetwood's, and was given to Sir Anthony by the parliament, March 27th.

† He chose this title pursuant to an article in the settlement upon his father's marriage with the only daughter of Sir Anthony Ashley, "That if Sir John Cooper or his heirs should come to be honoured with the degree of peerage, they should take that for their title."—*Gibson's Camden*, i. 175.

⁵⁶ This was an unhappy journey for Sir Anthony. It was upon this occasion he received that serious injury, which grew into an abscess, and embittered the rest of his life. This accident has already been incidentally mentioned in the introduction, as the remote occasion of the earl's intimacy with Mr. Locke.

A.D. 1660. burn St. Giles.⁵⁷ In the preamble to his patent, the king farther acknowledged "the restoration to be chiefly owing to him; and that, after many endeavours to free the nation from the evils in which it was involved, he at length, by his wisdom and counsels, in concert with General Monk, delivered it from the servitude under which it so long had groaned."⁵⁸

These employments and honours were conferred on him without any application or secret addresses, and without his endeavouring to obtain any private articles for himself before the king's coming over. Nay, from what passed between Sir Anthony and Monk previous to the Restoration, it is plain that he had insisted with Monk, that the king should be brought in upon proper

⁵⁷ This is a mistake: his name frequently occurs as Sir A. A. Cooper after this time, particularly in the commission for the trial of the regicides. The date of his patent of peerage is 20th April 1661, a few days before the meeting of the new parliament.

⁵⁸ Lord Clarendon attributes Sir Anthony's appointment as privy counsellor to the special recommendation of Monk, and adds, that this honour was the rather conferred upon him because, "having lately married the niece of the Earl of Southampton, it was believed that his slippery humour would be easily restrained and fixed by the uncle."—*Life of Clarendon by himself*.

terms. This, however, was prevented by the con- A.D. 1660.
flux of those who had little merit but in an absolute resignation to the crown, and who made the torrent too great to be resisted.

Though Lord Ashley had asked nothing for himself, yet, from the favour to which his services entitled him, he made one request to the king, which was a proof of the disinterestedness of his friendship and the generosity of his temper.

Lord Ashley's generous conduct to the Wallop family.

The great estate of the Wallop family having been forfeited at the Restoration, Lord Ashley exerted his interest with the king for a grant of it; and, when he might easily have obtained it for himself and his heirs, he only procured himself to be made a joint-sharer with three other persons of distinction, his particular friends, to whom the estate was granted for their lives, and to the survivor of them for ever. The whole management of it was left to Lord Ashley, but it was received and applied for the benefit of the family. On the 25th of June 1668, (one of the sharers being dead,) * he reconveyed his third part to the family, and four years afterwards, in July 1672, prevailed on the other two to follow his example;

* The deeds of trust and among Lord Shaftesbury's conveyance are still extant papers.

A.D. 1660. by which means an ancient and worthy family was preserved from ruin.

He does
service to
the Queen
of Bohemia.

He did likewise some considerable service to the Queen of Bohemia and her family, who had suffered much for the protestant cause. This appears by a letter from the queen's eldest daughter, the Princess Elizabeth (sister to the Princess Sophia), who was distinguished for her merit and understanding. What the particular service was, is not mentioned; but he had probably exerted his interest in parliament in the queen's behalf immediately after the Restoration, when two sums, of ten thousand pounds each, were voted to be presented to her.

Contributes
to the de-
molition of
the court of
wards.

Lord Ashley remembered how much he had suffered by the court of wards; the corruption and oppressions of which he perfectly well knew, the power it threw into the hands of the crown, and the mischiefs it produced to the liberty of the subject. The removing of this grievance was one of the first things taken into consideration, and chiefly by his interest,⁵⁹ before the king came

⁵⁹ This must rest upon some evidence among the private papers of the family, for Sir Anthony's name is not found among those who formed the committee for preparing these bills. It is indeed remarked in the Parliamentary History, that

over; and a bill for that purpose was brought in, A.D. 1660.
 and passed into an act, soon after the Restoration.
 If this measure had been delayed another year, it
 is probable that the king would not have relin-
 quished such a support of absolute dominion; for
 he soon found the parliament more complying
 than his most sanguine hopes could ever have
 suggested.

Notwithstanding that the house of commons Views of
the court.
 showed such an eagerness for the king's restora-
 tion, and gave such proofs of affection to him at
 his return, yet it could not be depended on to
 promote any extraordinary schemes of power;
 for many of the members had been in the parlia-
 ment of 1640, and, though they were friends to
 monarchy, had been active to keep it within pro-
 per bounds. When, therefore, the first transports
 of their zeal and joy should subside, it might be
 naturally expected that they would revert to their
 old principles, and endeavour to preserve the true
 balance of the constitution. The court, it is
 plain, suspected this; but had too much art to
 discover the suspicion. The king, in all his

“Sir A. A. Cooper spoke against the court of wards, and for
 the excise;” but he is not at all mentioned as the originator, or
 even as an active supporter, of the measure.

A.D. 1660. speeches, was full of gentleness, mercy, and indulgence: he constantly expressed his obligations to perform his promise in the declaration from Breda; "upon which," he said, "the peace and tranquillity of the kingdom entirely depended; and which, if he had not made, he was persuaded, he had not been in England." He declared again, that no man should be disquieted for differences in opinion on matters of religion which did not disturb the peace of the kingdom." He pressed the forwarding of an act of indemnity and oblivion; "which," he said, "he would inviolably observe himself, and exact an observance of from others."

Parliament
dissolved.

Yet, notwithstanding these and many popular expressions, he dissolved the parliament, the 29th of December, seven months after his restoration. The court believed that a new house of commons, chosen under the countenance of the king, would be more devoted to the crown; and it was not disappointed. The people, who were charmed with the king's speeches, generally chose, in the hurry of their loyalty and zeal, such members as were in the extreme for prerogative and hierarchy; and who, at the same time, were ambitious of preferment.

[The authors of this work have passed over in

silence an act that has been severely commented A.D. 1660. upon by almost all the writers of the period. It was in October of this year that the trial of the regicides took place; and Sir Anthony's name was upon the commission of oyer and terminer by which they were tried. Sir John Dalrymple remarks, in his Review of Events after the Restoration, "The most cruel circumstance in the trial of these persons was, that several of the popular party, of whom Ashley Cooper was one, sate as their judges, and doomed them to die for that rebellion to which they had incited them." This is hardly true. These men were not doomed to die for the rebellion in which Sir Anthony had participated, but for the death of Charles,—an act which was brought about by a party whose violence Sir Anthony uniformly opposed. He had, however, subsequently acted with several of these men; and his conduct in allowing his name to be placed upon this commission manifested great want of delicacy,—to say nothing of the disgrace which must attach to every man who sat upon these trials, for the barbarous and unconstitutional manner in which they were conducted. Sir Anthony seems to have been aware of the impropriety of his conduct, for he did not, like Mr.

A.D. 1660. Denzil Holles, take any prominent part in the proceedings. This might lead us to suppose that he acted unwillingly, did we not find proof of his activity from other sources. It appears from Mr. Secretary Morrice's evidence upon Hacker's trial, that Sir Anthony, Mr. Annesley, and himself were the three who were deputed by the council to examine that person when he was brought over from Ireland. Upon their report, he was taken into custody, and afterwards tried and executed.]*

The want of settling proper terms with the king before the Restoration, as Lord Ashley had proposed to Monk, proved of the greatest ill consequence to the public, and laid the foundation for destroying the constitution more securely. From the king's despair of recovering the throne by his friends in England, and the neglect with which France and Spain had treated him, he would willingly have embraced any offers; but his restoration without conditions raised his notions of his own power and the weakness of the people to an exorbitant height. The court now formed the design of extending and confirming the power of the crown by means of the parliament, instead of acting, as formerly, contrary to

* State Trials, vol. v. col. 1181.

the sense of it; and the new house of commons, A.D. 1660. as was expected, fell blindly and precipitately into the scheme. The members seemed to act as if they thought that a negligence of the people's liberties was honourable to them. They were as willing to give as the king was to take, and more ready to strengthen and advance than to weaken or confine any branch of his prerogative.

The king, who knew their disposition, soon discovered his own: for, in his speech at the opening of the parliament, May the 8th, 1661, instead of recommending any indulgence to tender consciences, as promised in the declaration from Breda, he expressed himself as follows: "In God's name, provide full remedies for any future mischiefs. Be as severe as you will against new offenders, especially if they be so upon old principles; and pull up those principles by the roots."* A.D. 1661.
New parliament.

The house of commons, intent upon obeying the king's commands, immediately passed several bills to enlarge and establish his power: among others, one for the safety and preservation of the king's person, by which it was made penal to say that the king was a papist, or intended to introduce popery; another to empower him to dis- Bills unfavourable to liberty.

* Journals.

A.D. 1661. pose of the land forces : a bill for the well governing and regulating corporations : a bill for the uniformity of public prayer : a bill declaring the sole right of the militia to be in the king, and for the present ordering and governing the same ; another against the quakers : and, to strike, indeed, at the roots of the principles of liberty, a bill was passed to restrain unlicensed printing.⁶⁰

Precipitation of the commons.

These bills went through the house of commons with great precipitation. The corporation bill was carried up to the lords July 6th, and the uniformity bill July 10th ; and the commons were so impatient, that, three days afterwards, on the 13th, they sent a message to the lords,* to put them in mind of the despatch of these two bills ; and on the 16th another message, for the despatch of the corporation bill : but the lords acted with more coolness and consideration than was agreeable either to the commons or the court.

Corporation bill.

By the corporation bill, the king was enabled to appoint such commissioners as he should think

* Lords' Journals.

⁶⁰ This house of commons began by voting that the solemn league and covenant should be burned by the common hangman, and that all their members should receive the sacrament according to the rites of the Church of England upon a certain day.

fit, in all cities, corporations, boroughs, and A.D. 1661.
cinque-ports; and it was enacted, that three or
more of those commissioners should have proper
power to tender to all mayors, aldermen, &c. and
other persons, bearing any office, trust, or employ-
ment in corporations, the oaths of supremacy;
and this following oath, viz. "I, A. B. do declare,
and believe, that it is not lawful, upon any pre-
tence whatsoever, to take up arms against the
king; and I do also abhor that traitorous posi-
tion of taking arms by his authority against his
person, or against those commissioned by him.
So help me God."

The commissioners, any five or more of them,
had a power to remove or displace any such persons
as the major part did not approve of, notwithstand-
ing they had taken the oath as the law required.

This bill met with great opposition in the house
of lords; particularly from the Earls of South-
ampton, Manchester, Bedford, Leicester, and Bo-
lingbroke; Lords Holles, Townshend, Delamere,
and Ashley; as it was forcing men to swear to a
belief of what was repugnant to the constitution
and the laws of nature. Lord Ashley set forth
the ill consequences of the bill in various instances,
viz. the injustice it might do to the wealthiest,

Opposed in
the house
of lords.

A.D. 1661. the most able, and the most conscientious members of their respective corporations: the fixing these in the hands of, perhaps, the most profligate persons in them; at least, the dividing of the people into parties: and he showed that, as it would be a restraint upon those who had a regard to their oaths and their country, it was the most effectual method which could be contrived for lodging the executive power of the government in the hands of such persons as would make no difficulty of subjecting the whole nation to an absolute tyranny both of church and state.

Parliament
adjourned.

The great spirit with which some of these bills were opposed by so many of the lords in employment, gave uneasiness to the projectors. The king, therefore, went to the parliament, on the 30th of July 1661, and told them, that “ he knew they had begun many bills which could not be finished till their meeting again; and, that they might be finished then, he forbore to make this a sessions; but was contented they should adjourn to the 20th of November:” a very unusual, if not unprecedented adjournment!

During the adjournment, reports were spread

of a plot* in several counties; and many were taken up on these reports, and committed to prison. When the house met, on the 20th of November 1661, the king told them, that "he knew the visit he made them that day was not necessary, was not of course; yet, if there was no more in it, it would not seem strange that he came to see the lords spiritual and temporal † and the commons of England met together." He took notice of "the activity of many wicked instruments to disturb the public peace;" recommending it to the parliament "to find proper remedies for such diseases, and to oblige all men to a proper submission;" and he concluded with recommending a good correspondence between the two houses.

A.D. 1661.

Meets
again.

* Rapin is evidently mistaken here; for he says, that, upon the sole foundation of this plot, (which he proves to be a contrivance of the court,) the corporation act and all the proceedings against the non-conformists were built; and that the project of the act of uniformity was now formed: whereas it appears by the Journals, that both these acts were

framed and sent to the lords before the adjournment, and before there was any suggestion of the plot. It is evident, that the rumours of the plot were only to persuade the public that there was a necessity of passing those laws, and to induce the lords to it.

† These were just restored to their seats.

A.D. 1661.

Proceed-
ings of the
parliament.Committee
to inquire
into the
plot.A. D.
1661-2.

Upon the return of the commons to their house, Sir John Packington opened the scene, and declared that great numbers were taken up in his county for the plot. Others supported him, and said, "Some laws must be made, both to bring the nonconformists under strict obedience or due punishment, and to secure the executive power of the government in such persons as should not question or dispute the commands of the prince." A committee of both houses was appointed to examine into the plot; and they had power to sit during the adjournments of parliament. They made a strict inquiry, but as there appeared no foundation for the reports, the public were much alarmed at their power; and, therefore, on the 7th of January 1661-2, (the first day of the parliament's meeting after the Christmas holydays,) Lord Clarendon reported to the house of lords,* "that the committee of both houses had met several times during the adjournment, and considered of the business referred to them; but, finding some imaginary jealousies of the end and intent of the committee's meeting, they had come to no resolutions, but thought fit to leave the busi-

* Lords' Journals.

ness to both houses." Upon this, the lords immediately demanded a conference with the commons, and declared the committee dissolved. The noise of the plot was, however, kept up for some time; but it dropped without the prosecution of one single person, as soon as the uniformity bill was passed by the lords.

A. D.
1661-2.

In this was the same oath as in the corporation bill. It went very slowly and with great difficulty through the house of lords; which alarmed the commons so much that, on the 16th of December, they sent a message to the lords to put them in mind of it; as likewise of the corporation bill, the bill concerning quakers, and the bill concerning printing. The corporation bill, after a warm debate, was passed, and received the royal assent the 20th of that month. On the 28th of January 1661-2, the lords received another message from the commons, to remind them of the uniformity bill: but this bill was warmly debated, and strongly opposed, as being repugnant to the king's declaration from Breda. The lords made several amendments to it, and declared that the king ought to adhere to his promise of liberty to tender consciences. But the commons, in a conference with the lords

Uniformity
bill.

A. D.
1661-2.

upon the amendments, said, that "the king could not, in that engagement, understand the misleaders of the people, but the misled; that it would be very strange to call a schismatical conscience a tender conscience; that a tender conscience denoted an impression from without, received from another, and that upon which another strikes."* This was a construction unworthy of a school, much more of a house of commons; and it was made only to support a shameful elusion of a royal promise, given under a parliamentary sanction. The Earl of Southampton and Lord Ashley were 'remarkably strenuous against several clauses; and the former, being told "that it was believed he had spoken three hundred times against the bill," answered, "that he was so firmly persuaded of the fatal consequences of it, that he would have spoken three hundred times more to have prevailed."

Scheme to
erect a new
court like
the Star-
chamber.

While this bill was depending in the house of lords, an attempt was made in that house to strengthen the hands of the king, by erecting a court like the Star-chamber. This name was still distasteful to the people, who had not forgotten the oppressions and injustice of that

* Lords' Journals.

court. It was, therefore, thought proper to establish a new one, and under the authority of parliament: for, on the 8th of February 1661-2, a committee (which had been appointed to consider of a bill for repealing all the acts made in the parliament which began on the 3rd of November 1640) reported to the house, "that they were of opinion that it was fit for the good of the nation that there should be a court of like nature to the court called the Star-chamber; but they desired the advice and direction of the house in the following particulars:

"Firstly. Who should be judges.

"Secondly. What matters they should judge of.

"Thirdly. By what manner of proceedings they should act." *

But notwithstanding their unreasonable loyalty, the commons were not prepared to reconstruct this engine of oppression; these questions were never resolved by the house, and the scheme proved abortive. This parliament was particularly distinguished by its bitter hostility against the nonconformists.

A bill now passed the commons, and was sent up to the lords, for regulating the forces in the

A. D.
1661-2.

Bill to regulate the forces.

* Lords' Journals.

A. D.
1661-2.

several counties of the kingdom. By this bill, the lords lieutenants, deputy lieutenants, &c. were obliged to take the same oath as mentioned in the corporation act,⁶¹ with the addition of these words: "In pursuance of such military commissions." This bill (which, as an author* observes, was to establish a standing army by law, and swear us into a military government) was, likewise, vigorously opposed by the Earl of Southampton, Lord Ashley, and other lords. The committee to whom it was referred, and of which Lord Ashley was one, reported their opinion, that the clause with the oath should be omitted; but it was carried in the house for the clause by two votes. The lords had several conferences with

* A Letter from a Person of Country.—*Locke's Posthumous Works.*
Quality to his Friend in the

⁶¹ The oath prescribed by the corporation act was as follows:—"I do swear that it is not lawful, upon any pretence whatsoever, to take arms against the king; and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him, in pursuance of such commissions, and that I will not at any time endeavour any alteration of government either in church or state."

"The doctrine of non-resistance," observes Mr. Hallam, "had now crept from homilies into the statute-book."

the commons upon amendments which had been made to this bill: and in these conferences Lord Ashley was constantly a manager; as were the Earl of Southampton, the Lord Privy Seal, Lord Wharton, and Lord Holles.

A. D.
1661-2.

Thus early was the design laid, and carried into execution, for investing the king with undue power, and restraining the liberty of the subject. Few laws were passed but what conveyed an additional strength to the prerogative. Lord Ashley, in his opposition to these, acted upon the same principles which he always maintained; and if, when he was chancellor of the exchequer, he opposed the arbitrary designs of the court in parliament, it cannot be doubted but that he acted with the same spirit in council. One instance of this will appear in the following account of the sale of Dunkirk.

Account of
the sale of
Dunkirk.

At the close of the session of parliament, May 19th, 1662, in the speech delivered by Lord Chancellor Clarendon, the great importance of Dunkirk was set forth in the following remarkable words:*

“Whoever unskilfully murmurs at the expense of Dunkirk, and the other new acquisitions, which ought to be looked upon as jewels of an

* Lords' Journals.

A.D. 1662. immense magnitude in the royal diadem, does not enough remember what we have lost by Dunkirk, and shall always do, if it were in an enemy's hands."

Lord Clarendon's
conduct in
that affair.

This must have been said only to amuse the public; for, notwithstanding that Lord Clarendon expressed so right a sense of the great advantage of Dunkirk to the crown of England, he soon after advised the king to sell it to the French; and, even in the next month, he sent one Mr. Bellings,* (in whom he put an entire confidence,) to the Count d'Estrades, who had lately been ambassador in England, to open the affair.

On the 27th of July following, the count, who was at Calais, in his journey on an embassy

* This Mr. Bellings had been intrusted by Lord Aubigny, two years before the Restoration, to propose to King Charles the sending of the Duke of Gloucester to Rome,⁶² to be instructed in the Roman catholic religion. After the fate of Dunkirk, he was sent to Rome,† to solicit a cardinal's hat for Lord Aubigny.

Monsieur,

Faisant souvent reflection sur quelques particularitez des conferences que nous avons euës ensemble, et trouvant le roi mon maître dans la dispo-

† Thurloe's State Papers, vol. i. pp. 740, 744.

⁶² This mission to the pope formed one of the articles of impeachment exhibited by the splenetic Earl of Bristol against Clarendon.

to Holland, received a letter * from King Charles, A.D. 1662. and another from Lord Clarendon, inviting him to come over without delay into England. The king told him it was to settle an affair which the chancellor had proposed, and that he had ordered his brother's yacht to attend him. Count d'Estrades immediately came over; and Lord Clarendon, without the consent of the privy council, directly proposed to him the sale of Dunkirk, with all its artillery, ammunition, and dependencies. He informed the count that " the first thought of this treaty came from him; that it proceeded from the necessity of

His negotiation with d'Estrades.

sition de donner toutes sortes de preuves du desir qu'il a d'etreindre le nœud de l'amitié qu'il a avec sa majesté tres chretienne, je fais entreprendre ce voyage à Mons. Bel-
lings, que vous sçavez être dans ma confidence, pour vous communiquer mes sentimens. Je vous prie de lui ajoûter foi, et de croire que je suis tres veritablement, Monsieur, &c.

LE COMTE DE CLARENDON.
—*Lettre de M. le Comte de Clarendon à Mons. le Comte d'Estrades, de Hampton Court, le 29 Juin 1662, p. 279.*

Je dois faire remarquer à

vôtre majesté, que Mons. Bel-
lings a eu beaucoup de part dans toute la conduite de cette negociation, et j'estime qu'elle trouvera juste quelque marque de sa bonté; si elle jugeoit à propos d'en charger mon courier, je la lui donneroie devant que de partir d'ici, et aussi avant qu'il parte pour Rome, où il va solliciter le chapeau pour M. d'Aubigny, et rendre l'obedience de la Reine d'Angleterre. —*Lettres du Comte d'Estrades au Roi, de Londres, le 27 Octobre 1662, p. 359.*

* D'Estrades' Memoirs, pp. 280, 281.

A.D. 1662. affairs in England; and that no one else was of his opinion but the king and the Duke of York." * Lord Clarendon could only mean the necessity of the king's private affairs; for the parliament had liberally and cheerfully given whatever the king could expect for his support and the exigencies of the government. But whether he alluded to the weakness of the state, or of the king, it was a discovery highly unjustifiable for a chancellor and minister to make to a foreign power, and extremely imprudent in carrying on a bargain with that power.

When this necessity was urged by Lord Clarendon to Monk, (now Duke of Albemarle,) the Earls of Southampton and Sandwich, as an argument for the council's approving the sale, they wisely answered, that there was † "an expedient

* A tout cela le chancelier ajoutoit, que la pensée de ce traité étoit venue de lui; qu'il ne me deguisoit point que la nécessité des affaires d'Angleterre la lui avoit donnée:⁶³ qu'il étoit seul dans ce sentiment avec le Roi et M. le Duc d'York. — *Lettre du Comte d'Estrades a u Roi, de Londres, le 17 Août 1662, p. 286.*

† Ils avoient offert un expédient pour la conserver et pour soulager le roi de cette dépense, qui étoit de remettre cette place sous l'autorité du parlement, qui en avoit été séparée jusqu'à présent, parce

⁶³ But he adds, " Mais qu'elle ne pouvoit l'obliger à faire un méchant marché."

to keep the place, and ease the king of the expense of maintaining it, which was to put Dunkirk under the authority of parliament; by which the public would always be charged with the expenses of supporting it, and the king, nevertheless, would remain master of it.” A.D. 1662.

Lord Clarendon told the count, (in order to raise the terms of the sale,) “that if the parliament, at their meeting, should approve of this expedient, there would be no returning to such a treaty as had been proposed; for which reason there was no other time to do it, but during the recess of parliament.”⁶⁴

Lord Clarendon acquainted the count, at another conference, that* “necessity only obliged the

qu'en ce cas il se chargeroit de toutes ses dépenses, et le roi n'en seroit pas moins le maître : que si cela arrivoit et que l'on fût forcé d'accepter cet expédient, il n'y avoit plus de retour pour un traité comme celui qui se proposoit ; pour lequel il n'y avoit que l'inter-

valle à prendre de la separation du parlement.—*D.* le 17 Août, 1662, p. 286.

* Il me redit encore, que la seule nécessité obligeoit le roi son maître à cette affaire de Dunkerque ; qu'il n'avoit pas craint dès le commencement de me faire cette confidence,

⁶⁴ Louis seems to have been very little troubled by any apprehension of such a course being pursued. He tells D'Estrades, that Charles had already seen too much of parliaments to think of making any increase to their power.

A.D. 1662. king to part with Dunkirk ; that, as from the beginning he had no fear of putting this confidence in him, he would treat with him as a friend of the King of England, and minister of a great prince his ally, whom he would not in the least distrust. That, in one or the other quality, he would own to him, that he had the choice of four expedients in this affair : the first was to treat with Spain, which had already made vast offers for the place ; the second was to treat with the Dutch, who would give immense sums for it ; the third was to put it in the hands of the parliament, who would charge themselves with the expense, and leave the government of it in the king ; and the fourth was to agree with the King of France ; which last had appeared to him most

parce qu'il traitoit avec moi comme avec un ami du Roi d'Angleterre, et le ministre d'un grand prince son allié, du quel il ne se méfioit pas ; qu'en l'une et l'autre qualité il m'avoueroit qu'il avoit quatre expédiens à prendre sur l'affaire qu'il m'avoit proposée. Le premier, de traiter avec les Espagnols, qui lui faisoient présentement tout offrir pour cette place. Le deuxième, avec les Hollandois, qui en

donneroient des sommes immenses. Le troisième, de la remettre entre les mains du parlement, qui se chargeroit de toutes ses dépenses, et qui laisseroit pourtant au roi la même autorité qu'il y a à present : et le quatrième, d'accommoder votre majesté ; que ce dernier lui paroissoit plus juste, et plus convenable aux interêts du roi son maître. — *Lettre du Comte d'Estrades au Roi, de Londres, le 21 Août 1662, p. 302.*

just and most for the interest of the king his master." A.D. 1662.

He afterwards said,* " it was his opinion, after all, that a present should be made of it to the French king, and the recompense left to his liberality ; but, as he had not the sole direction, and was obliged, for his own sake, to conduct himself carefully in so delicate an affair, he was under a necessity of concealing his own sentiments, and seeming to adhere to those of others, that he might not be thought the principal promoter of the treaty."

All the rest of the council, except the Duke of York, were against the sale. It is evident, therefore, that by Lord Clarendon's care to conceal his own sentiments, and his seeming to be of theirs, the king was to be looked on as the great mover of the treaty, in order to screen the chancellor : an unworthy artifice in a minister, to put his prince upon a wrong and unnatural action, and shelter

The council oppose the sale of Dunkirk.

* Que son sentiment avoit été après cela d'en faire un present à vôtre majesté, et de laisser dependre la récompense de sa libéralité. Mais que comme il n'étoit pas le maître et qu'il avoit un notable intérêt de se ménager dans une

affaire si délicate que celle-ci, il étoit obligé de cacher ses sentimens, et de paroître adhérer à ceux des autres, afin de n'être pas pris pour le principal promoteur du traité.—*D^e le 21 Août 1662, p. 303.*

A.D. 1662. himself, at the same time, under the opinion of those who opposed it.⁶⁵

The treaty
carried on.

Lord Clarendon had before told the Count d'Estrades, that "he would not lay any great stress on the offers made by the King of Spain; because the king had rejected them purely from his ardent desire to enter into a close alliance with his master." *

The French king, though he was impatient to be in possession of Dunkirk, and showed the Count d'Estrades his unwillingness that it should continue in the hands of England, † affected, as did his minister likewise, a great coolness in the transactions; whilst, from his knowledge of King Charles's necessities, he reduced him to very low

* Qu'il ne me vouloit point faire valoir les offres que faisoit l'Espagne là-dessus, parce que le roi son maître les avoient toutes rejettées, dans la passion qu'il avoit de se lier étroitement avec vôtre majesté.—*Lettre du Comte d'Estrades au Roi, de Londres, le 17 Août 1662, p. 287.*

† Pour mon intérêt la dite place seroit mieux entre les mains des Espagnols, ou des Hollandois, ou démolie, qu'elle n'est présentement, pour plusieurs raisons qu'il est superflu de dire.—*Lettre du Roi à Monsieur le Comte d'Estrades, de St. Germain en Laye, le 27 Août, p. 310.*

⁶⁵ It appears very clearly from Clarendon's writings, particularly where he speaks of his own impeachment, that he had no idea of the responsibility of the ministers of the crown, as we now understand that responsibility.

terms in the sale. At the same time, he pursued A.D. 1662.
 his point every way, by engaging the Duke of York in his interest, and by presents* to the duchess, Lord Clarendon's daughter.⁶⁶ Lord Clarendon, being apprehensive, from the seeming coolness of the French king and Count d'Estrades, and from the low offers made by them, that they did not set a just value on Dunkirk, † "endeavoured to make the count sensible of the great importance of the place, with regard both to its situation and harbour, by which it had acquired so great a name; and he magnified the advantages

* Count d'Estrades' *Memoirs*, p. 315.

† Là-dessus il s'étendit encore à me faire voir l'importance de cette place, par sa situation et ses ports, qui lui avoient acquis dans les tems passés une si grande réputation; et à m'exagérer les

avantages que votre majesté en pouvoit tirer, s'il arrivoit jamais qu'elle eût quelque dessein à pousser ses conquêtes dans la Flandre.—*Lettre du Comte d'Estrades au Roi, de Londres, le 21 Août 1662*, p. 303.

⁶⁶ The corruption of our days, however gross it may be, affords no parallel to the open and every-day practice of this period. This present—D'Estrades does not inform us what it was—was offered to the duchess as she returned from church with her husband. The duke very much admired it, and the lady exhibited it with great satisfaction at court. One of the ordinary annual items of Charles's expenditure was 10,000*l.* in presents to foreign ambassadors.—*Dalrymple*.

A.D. 1662. which the French king would draw from thence, if he should have any design to push his conquests in Flanders." It is surprising that any Englishman, much more that a minister of state, who had the least suspicion of the French king's designs upon Flanders, should promote such a sale, and even use that as an argument to induce him to be a purchaser.

Commis-
sioners ap-
pointed.

On the 1st of September, a commission was signed by the king, empowering Lord Clarendon, the Earl of Southampton, the Duke of Albemarle, and the Earl of Sandwich, to adjust, conclude, and sign the treaty with the Count d'Estrades for the sale of Dunkirk and its dependencies; but the three last, and the rest of the council, strenuously opposed the sale, and threw all the difficulties they could in the way. Count d'Estrades informed his master, in a letter dated October 27th, 1662, the day the treaty was signed, that * "the chancellor had a great deal to bear with during the contest which had been raised

* Je ne dois pas omettre que le chancelier est celui de tous qui a eu le plus à souffrir pendant les contestations qui ont été formées par tout le conseil sur cette affaire. Les commissaires sont ceux qui ont

le plus travaillé à la rompre, et l'on peut dire que les raisons alléguées pour cela ont été si fortes, que le Roi d'Angleterre et Monsieur le Duc d'York en auroient été ébranlez s'il n'avoit pris soin de les maintenir

by all the council, and especially by the three A.D. 1662.
 commissioners joined with him : that they had urged such reasons against the treaty, that even the king and the Duke of York would have been staggered with them, if the Lord Clarendon had not taken care to confirm them in the first resolution : that he was now looked upon as the sole author of the treaty : that his enemies and all the Spanish cabal attacked him upon his conduct in

dans les premières résolutions. Cela a paru presque à toute la cour, et de là je pris mon occasion de m'en prendre à lui comme au seul auteur du traité. Ses ennemis et toute la cabale d'Espagne ont attaqué là-dessus sa conduite, et prôné hautement que comme elle avoit été mal entenduë sur le mariage du Portugal, en ce qu'il avoit été fait sans s'assurer auparavant de la protection de la France, de même il paroissoit imprudent en cette occasion, parce qu'il abandonnoit Dunkerque sans auparavant être assuré de cette liaison étroite qu'il se vantoit que devoit produire ce traité avec vôtre majesté ; que quand la France se verroit maîtresse de cette place sans aucune stipulation d'engagement particulier avec l'An-

gleterre, elle ne se tiendroit obligée qu'à des bienveillance qui ne l'embarqueroient à rien ; que comme son intérêt seul l'avoit engagé à la première affaire pour se venger du mauvais traitement qu'il avoit reçu des Espagnols, et de la crainte où il étoit d'être supplanté par leur cabale, aussi la seule considération et l'intérêt qu'il trouvoit à s'appuyer de la France lui faisoit oublier les véritables intérêts du roi son maître, et lui faire sacrifier pour cela une place qui valoit plus pour la réputation de l'Angleterre, et pour sa considération à l'égard des étrangers, que toute l'Irlande.—*Lettre du Comte d'Estrades au Roi, de Londres, le 27 Oct. 1662, p. 352.*

A.D. 1662. this affair; and talked openly, that, having made great mistakes in the king's marriage with the Infanta of Portugal, which had been concluded without any assurance beforehand of assistance from France, he had in like manner been as imprudent on this occasion, because he had abandoned Dunkirk, without being certain of that strict alliance he boasted this treaty would produce: that when the French king should become master of Dunkirk, without any stipulation or particular engagement with England, he would not think himself obliged to anything more than a common show of civility, which would not bind him to anything: that, as it was the chancellor's interest which had engaged him in the first affair, that he might be revenged for the ill treatment he had received from Spain, and his fear of being supplanted by the Spanish cabal; it was likewise this consideration, and his own advantage, which made him apply to France, forgetting the true interest of the king his master, and sacrificing a place which, with regard to the honour of England and her foreign concerns, was of more value than even Ireland."

The Count d'Estrades, in the same letter, told his master, that "this extraordinary proceeding

had convinced him that the King of England was A.D. 1662. absolutely bent upon gaining his friendship ; that he knew it was useful to him ; that the chancellor had kept him warm in this opinion, for his own particular interest ; and that for this reason chiefly, the Duke of York would visit his majesty at Dunkirk, to give the more strong assurances of his regard to him ; that he believed the duke would be intrusted by the chancellor with some advice, which would not prejudice the designs his majesty might form in time against Flanders.” *

After the treaty was signed,† and publicly known, the clamours against it were very great, not only among the ministry, but the people. The principal part of the merchants of London

The treaty greatly disliked.

* Ce procédé extraordinaire me persuadoit que le Roi d'Angleterre veut absolument l'amitié de vôtre majesté ; qu'il connoit qu'elle lui est utile ; que le chancelier l'échauffe à cela même pour son intérêt particulier ; et que c'est pour cette seule raison principalement que Monsieur le Duc d'York vient voir vôtre majesté à Dunkerque, pour lui en faire de plus fortes protestations ; et je crois qu'il sera chargé par le chancelier de

quelques avis, qui ne nuiront pas aux desseins qu'elle pourra avec le tems former sur la Flandre.—*Lettre du Comte d'Estrades au Roi, de Londres, 27 Oct. 1662, p. 353.*

† Après que le traité a été signé, M. le Chancelier me dit, que le bruit étoit plus grand que jamais dans la cour et parmi le peuple ; que vôtre majesté oublieroit aisement le désir que le Roi d'Angleterre avoit eu de l'obliger, quand elle se verroit en possession de Dun-

A.D. 1662. went up to Whitehall with complaints that it would become a nest of pirates. The chancellor told the Count d'Estrades, "that it was publicly said, that the French king, when once in possession of Dunkirk, would easily forget the desire which the King of England had shown of obliging him: that this had raised great complaints against him, which had given him to understand that the king would neither be supported by the parliament nor his people in case the affair should produce any commotions;" and he told the Count d'Estrades, "that, as he had the greatest part in the management of it, he should chiefly bear the blame, and, perhaps, find his master the first to reproach him: that to secure himself from this, he should be extreme-

kerque, et que cela avoit déjà excité des murmures contre lui; qu'ils lui faisoient même entendre, qu'il ne recevrait aucun secours du parlement ni de ses peuples en cas que cette affaire vint à produire quelque désordre en Angleterre; et que comme il y avoit plus de part que personne, il en recevrait aussi le plus grand blâme, et peut être le premier reproche du roi son maître; que pour le mettre à couvert de cette

crainte, il seroit infiniment obligé à vôte majesté, si elle vouloit lui écrire une lettre, pour lui temoigner un honnête ressentiment de la manière obligeante dont il en avoit usé, et en même tems venir à des offres civiles sur toutes les suites fâcheuses que pourroit avoir cette affaire, qui n'engageroient à rien, mais qui ne laisseroient pas de produire un bon effet.—*D^r. le 27 Oct, 1662,* p. 359.

ly obliged to the King of France if he would A.D. 1662.
 write a letter testifying the kind sense which
 he had of his conduct, and if he would send,
 at the same time, civil offers of assistance in
 case of any unhappy consequences; offers, which
 would not oblige the French king to do any-
 thing, but could not fail of producing a good
 effect."

The French king, in compliance with Lord
 Clarendon's request, wrote two letters,* to the
 King of England and the chancellor, to that
 purpose. By this means Charles might have
 been plunged in the greatest difficulties; for, if
 any commotions had happened in the nation,
 he might have been induced to trust to these
 offers, and would probably have been deceived.

This transaction was carried on during the
 interval of parliament, contrary to the opinion
 of the whole council,† and the inclination of
 the people. It was begun soon after the recess
 of parliament, and hurried into a conclusion be-
 fore the next meeting; as if purposely to pre-

The hasty
 manner of
 carrying it
 on.

* Vide D'Estrades' Memoirs,
 pp. 391, 392.

† J'ai trouvé tout le monde à
 combattre pour cela, hormis le
 Roi, Monsieur le Duc d'York,

et le chancelier. — *Lettre du
 Comte d'Estrades au Roi, de
 Londres, le 6 Novem. 1662,*
 p. 366.

A.D. 1662. vent the parliament's obstructing the sale, and annexing Dunkirk to the crown; for which a bill had been resolved on, and carried through the house of commons. Indeed, as the parliament had given the king money for supporting it, it could not properly be disposed of without their consent during sitting. Lord Ashley opposed the sale in the most strenuous manner. He well knew the high importance of Dunkirk; he had already given a proof of the estimation in which he held it just before the Restoration; for when Monk, to prevent Lord Ashley's discovery of his designs in council, made the concessions which we have before mentioned, and declared his readiness to do anything to show the sincerity of his intentions, the first care of Lord Ashley was to provide a proper governor for Dunkirk; and he procured his friend, Sir Edward Harley, to be nominated. Immediately after the Restoration, upon the king's telling Sir Edward Harley, that he had no mind to part with Dunkirk, and therefore thought proper it should be annexed to the crown, a bill was passed in the convention parliament for that purpose. When Sir Edward afterwards found that it was to be sold, he could not, either by en-

Lord Ashley opposed the sale of Dunkirk,

treaties or rewards, be induced to have any concern in the sale. Another person was therefore appointed to succeed him, in order to deliver it up, and Sir Edward returned to England; where, when he told the king "that the place was sold for no more than the artillery and ammunition were worth," the king expressed his surprise at it.⁶⁷

A.D. 1662.

and Sir Edward Harley.

This transaction proved, in its consequences, of infinite prejudice. Spain and Holland grew jealous that King Charles would be closely attached to the interest of France,—and from this crisis he became so; whilst England for a trifle, of no benefit to the public, lost a place which would have been a great security to her navigation, and which has always been a fatal rock to her trade, in every war with France.

The pernicious effects of selling it.

As soon as the French king was in possession of Dunkirk, he made it a free port, and took all imaginable methods for enlarging the trade and navigation of France; and, being intent upon increasing his navy, which before was inconsider-

Dunkirk made a free port.

⁶⁷ Unfortunately for Sir Edward's fame, it appears from the Dalrymple Papers, that in 1678, "Harlie, ci-devant gouverneur de Dunquerque," received 300 guineas from Barillon, Louis the Fourteenth's ambassador.

A.D. 1662. able, he commanded supernumerary seamen to be put on board the French trading ships, and trained up at his own charge, in order to supply his men-of-war. Thus Lord Clarendon, by this hasty and unwarrantable sale, contributed as much to the greatness of France, by making her a maritime power, as Cromwell had done before, in supporting her interest against the crown of Spain.

Lord Clarendon loses the good opinion of the public.

The sale of Dunkirk justly exasperated the minds of the people, especially the trading part; and Lord Clarendon being known to be the author of it, soon lost his credit with the public: and for want of this, in concurrence with other reasons, he afterwards lost his interest with the king.

CHAPTER VIII.

Obsequiousness of the Parliament.—Effects of the Uniformity Act.—Lord Ashley appointed Chancellor of the Exchequer.—His zeal and exertions in the execution of the duties of his new office.—War declared against Holland.—[Bill for granting Indulgences to Nonconformists.]—Severe Measures against the Nonconformists.—Five-mile Act.—Policy of France.—Shaftesbury's perception of character—useful to him as a Minister.—His Character of the Hon. William Hastings.—Breach with Hamburgh.—Peace with Holland.

WHEN the parliament met, on the 18th of February 1662-3, the commons proceeded in the same steps as in the former session. With the same obsequiousness, they received the dictates of the throne for the guide of their actions. Every sense of liberty was sunk in adulation; and, as if the abuse of freedom had rendered them weary of the blessing, they seemed ready to make a voluntary surrender of it. To strengthen the hands of the crown against themselves, a bill was passed, intitled, “ An additional act for ordering the forces of the kingdom;” and thereby they

A. D.
1662-3.

Meeting of
parliament.
Obsequious
to the
court.

A. D.
1662-3.

established a military power, under the sanction of parliament.

Parliament
of Scotland
equally ob-
sequious.

The parliament of Scotland likewise, as if to vie with them in servility, passed an act called "the loyal offer;" whereby that nation engaged themselves to have twenty thousand foot and two thousand horse, sufficiently armed and furnished with forty days' provision, to be in readiness, when called for by the king, to march to any part of his dominions of Scotland, England, or Ireland, in case either of foreign invasion or intestine troubles; "or for any other service wherein his majesty's honour, authority, or greatness might be concerned."

Bad effects
of the uni-
formity act.

In the speech which had been delivered by the lord chancellor, at the king's passing the act of uniformity, May the 19th, 1662, there were unusual expressions of asperity against the nonconformists; and the houses were told, "it was great reason that they, upon whom clemency could not prevail, should feel that severity they had provoked." Near two thousand ministers were ejected from their livings the next St. Bartholomew's day. The rigour which the presbyterians suffered in consequence of this act, divided the

protestant interest, and raised great discontents in the kingdom.* The king “had promised the presbyterians, that he would either not pass the act, or procure a particular exemption for them. After the act was passed, they addressed the king and council for a dispensation from the penalties annexed to it. This petition would doubtless have been rejected, if the king had not signified to the council the obligation he was under to grant the request.”

A. D.
1662-3.

An attempt
to soften its
penalties.

In the beginning of January, he published a declaration, in which, after an assurance of his firm adherence to the act of uniformity, he said, “for the sake of others, he was willing to dispense with some matters in it:” and, in his speech to the parliament, February 18th, 1662-3, he told them, “he could heartily wish that he had such a power of indulgence to use upon occasions, as might not needlessly force the dissenters out of the kingdom; or, staying here, give them cause to conspire against the peace of it.” Upon this encouragement from the king, and to compose the minds of the dissenters, whose numbers made them considerable, Lord Roberts (lord

* Rapin.

A. D.
1662-3.
Bill for that
purpose.

privy seal) on the 22nd of February, brought in a bill * concerning the king's power in ecclesiastical affairs; in which was a clause, "to enable the king to dispense, by letters patent under the great seal, with the act of uniformity, or the penalties in the said law imposed; or any other laws and statutes requiring oaths and subscriptions:" and the attorney-general was ordered to bring in a list of all those acts and oaths to which the said enacting clause related.

Upon reading this list, it was found that a greater latitude would be given in favour of the papists than was intended; and, therefore, the following general words, "or any other laws and statutes requiring oaths and subscriptions," were immediately ordered to be omitted. As, when these words were struck out, the bill could give relief to none but protestant dissenters, and would only invest the crown with a legal power of remitting penalties, (an amiable branch of the prerogative! from which the subject could have nothing to apprehend,) it was supported by the Earl of Manchester, (lord chamberlain,) Lord Ashley, and several other lords. The Earl of

* Lords' Journals.

Clarendon was detained from the house, at that time, by illness; but on the 13th of March he appeared there, and warmly opposed the bill, which Lord Ashley with as much vigour supported. Lord Ashley took notice of the fatal consequences of the act of uniformity: that by it great numbers of ministers were reduced to beggary; that many protestants were running into other countries, to the prejudice of trade and the dishonour of the kingdom: that the reformers in King Edward the Sixth's reign had acted in a different manner; for they had, like wise and good men, contrived the doctrine and discipline of the church so as to enlarge the terms of community; that they had set open the doors, and, by gentle means, persuaded and invited all they could into the church, thinking that the enlargement of their body would redound to the honour of their religion. Lord Ashley, however, and the other advocates for the bill, could not prevail. It was dropped in silence; which was chiefly owing to a resolution of the house of commons, "that it should be presented to his majesty, as the humble advice of that house, that no indulgence be granted to the dissenters

A. D.
1662-3.

Opposed by
Lord Cla-
rendon.

Supported
by Lord
Ashley.

The bill
dropped.

A. D.
1662-3.

from the act of uniformity." At the same time, the king was attended by the speaker and the whole house, with an address to recall his declaration of indulgence, and with reasons why the dissenters ought not to insist upon his declaration from Breda, or claim any right from that to an indulgence.

Lord Clarendon's
narrow
politics.

The commons were under the influence of Lord Clarendon, who carried his notions both of the prerogative of the crown and the power of the church to a great height. By several laws which he promoted, he advanced the former to an unconstitutional extent ; but by injudicious endeavours to extend the latter, he considerably weakened the protestant interest. By his measures those distinctions were preserved which have been ever since so prejudicial to the nation, and which the welfare of the public made necessary to be removed. The Restoration gave the king a proper opportunity of uniting the people both in religion and politics; and the contending parties would have settled into temper, if an equal conduct had been maintained towards them by the crown. This would certainly have been right in point of prudence; and by the declaration from Breda, it was become as obligatory as it was just. But a

narrow, ill-judged policy prevailed: every step was taken that could divide, inflame, and weaken the people; and the interests of the prince and his subjects were considered as two different and opposite objects.

A.D.
1662-3.

Lord Clarendon's apprehensions of danger from the dissenters rendered him an advocate for all the penal laws against them, and thus (notwithstanding his being himself a protestant) he opened the door for popery, by causing such a wide breach among the protestants: for the king (though it was not then known) intended to favour the papists, and to shelter them under the indulgence which the severity of penal laws might sometimes make necessary to be granted to non-conformists.

Lord Ashley was an enemy to every degree of persecution; and thought that the distressing of the dissenters was an error in politics, as well as in humanity. He acted, therefore, upon these points, in a different manner from Lord Clarendon; and this opposition in their conduct and principles kept them always at variance.

Ld. Ashley
an enemy to
persecution.

Clarendon and Ashley were not men who could long act together with cordial feeling: they not only differed in their views of the measures dis-

Lord Cla-
rendon and
Lord Ash-
ley jealous
of each
other.

A. D.
1662-3.

cussed in the council chamber, but each had, in addition, private causes to distrust the other. Lord Clarendon was jealous of Lord Ashley's friendship with Lord Southampton, and thought that he had influenced the latter in his conduct concerning the penal laws against the nonconformists: Lord Ashley, on the other hand, had likewise entertained some jealousy of Lord Clarendon upon account of his daughter's marriage with the Duke of York, whose sentiments upon the subject of religion were now becoming pretty generally suspected, and whose strong ideas as to government had never been concealed.

Close connexion between Lord Southampton and Lord Ashley.

As, both by alliance and a conformity of sentiments, there was the closest friendship between Lord Southampton and Lord Ashley, they, in almost all parliamentary transactions, concurred in the same measures; and though they held employments of such profit and distinction, did not think themselves under a necessity of supporting all the designs of the court, but often acted in opposition to them.

Lord Southampton, who was one of the most distinguished men of the age for his probity and public spirit, had been made lord treasurer at the Restoration. Lord Ashley, at the same time,

was appointed under-treasurer and chancellor of the exchequer; and as Lord Southampton was much afflicted with the stone, and therefore incapable of supporting the fatigue of that great office himself, he left the care of it chiefly to Lord Ashley,* in whom he placed entire confidence.

A. D.
1662-3.

Upon Lord Ashley's taking upon himself the office of chancellor of the exchequer, he employed himself diligently in obtaining information which might enable him to discharge with fidelity the duties he had assumed. His first effort was an accurate inquiry into the state of the department that had been assigned to him. From the confu-

Lord
Ashley's
conduct as
chancellor
of the
exchequer.

* Bishop Burnet allows, that Lord Ashley had more credit than any one with the Earl of Southampton, who was his relation. From this circumstance alone, besides his being chancellor of the exchequer, it is natural to believe the business of the treasury must, in a manner, entirely devolve on Lord Ashley during the indisposition of Lord Southampton; and it becomes almost needless to remark on what the bishop says, that Lord Southampton left it wholly to the management of Sir Philip Warwick. Lord Ashley had

too much knowledge of business, too great a disposition for it, and too high a spirit, to submit to such a neglect of him; especially as Sir Philip was a very weak man, for so, at the same time, the bishop describes him. Among the papers in the possession of the present Lord Shaftesbury, there are a great number of petitions for farming the customs and the excise, and other things relating to the revenue, which are either addressed to Lord Ashley singly, or to the Earl of Southampton and him jointly.

A. D.
1662-3.

sion of the times, abuses had been accumulating, which required a man of sagacity and spirit to rectify. With incredible pains, he brought the affairs of the exchequer into a proper economy, and searched minutely into every branch of the revenue.* He never depended upon the information of those who were interested in the abuses he wished to rectify, and were consequently prepared to deceive him: but when he met with any clerks, or others, who were men of understanding, and well versed in the affairs of their offices, he entered freely into conversation with them, and, by his affability and penetration, soon gained the knowledge which he wanted.

He promotes trade and commerce.

The important duties of his office necessarily led him to inquire into the trade of the nation; and his active mind was constantly employed upon the improvement of our manufactures and the enlarging our exportation. Where he found this last to be decaying in any of its branches, he sought after the reasons, and consulted the most eminent merchants about the methods of recover-

* There are still remaining, among Lord Shaftesbury's papers, a great number of accounts from the excise and customs, down to the lowest offices under the inspection of the treasury, with his remarks upon them.

ing it. He gave them queries, to which he desired their answers in writing; and, by comparing and digesting these, acquired a complete and general knowledge of trade. This he thought an essential part of the character of a statesman; for France and other countries began to see the advantages of commerce, and were forming upon it their schemes of greatness. The merchants, perceiving this disposition in Lord Ashley, applied to him upon all occasions for his advice and interest, and always found in him an active and constant friend.*

A. D.
1662-3.

Lord Ashley was a great enemy to monopolies, and thought that companies were often a prejudice to trade, which would flourish in a better manner by being more extensive. This was evident, at that time, from the company of merchants adventurers, who, by their own impositions, and those which by their conduct they induced foreign countries to lay on their cloths, were often forced to keep them, or, by putting

Is an enemy to monopolies.

* Among his papers still extant there are many proofs of this, and various letters of thanks from merchants for his protection and care of them, particularly from a large body

of traders to Newfoundland, acknowledging it to be owing to him that the decaying and dying trade of fishing was restored there; which he thought the best nursery for seamen.

A. D.
1662-3.

off their bad ones, brought them into discredit abroad. He said, "the restraining a general trade was like the damming of increasing waters, which must either swell them to force their boundaries, or cause them to putrefy where they are circumscribed."

Favours the
woollen
manufac-
tory.

He was particularly intent upon increasing the exportation of the woollen manufactory, which was very low, and had been sinking from the year 1633. At that time, a strict proclamation had been made for restraining this trade; and many of our merchants ceased to traffic in woollen goods, in consequence of the discouragement which they met with from the company. The clothiers were loud in their complaints; the workmen went into foreign countries; and wool was, even by the members of the company, often exported instead of the manufacture. Lord Ashley prepared and forwarded a bill for preventing the exportation of wool, &c. and, by other prudent steps which he took to remove the restraints from the staple of England, the exportation of it rose from that time, and continued rising; a circumstance of no little consequence to the wealth and power of the nation. Nor was his attention confined to the official details of his

own department: his views were far more extensive.

A.D.
1662-3.

He made an exact search into the state of the navy. He kept, as appears by his papers, a regular account of our shipping; the number of ships, their complement of men and guns; the officers, with their names and characters; as, likewise, the conditions of their ships: and, as he thought these the natural strength of England, he was continually anxious to promote their increase; for which purpose he inquired into the growth and fitness of timber in the king's forests, which had been too much neglected. King Charles the First had, in his necessity, sold a large part of the forest of Dean, particularly eighteen thousand acres, to Sir John Wintour, which were soon disforested. Lord Ashley took proper methods for satisfying the purchasers, and for recovering that part of the forest for the crown; and, likewise, for preserving and increasing the timber in it for the use of the navy.*

As the king had intimated to the parliament his desire of a bill to suppress seditious conventicles, the house of commons, soon after their

A.D.
1663-4.
Bill against
seditious
conven-
ticles.

* There are a great number the timber, as, likewise, upon
of his remarks upon the navy the foregoing articles of trade,
and the mismanagement of among his papers.

A.D.
1663-4.

meeting, on the 16th of March 1663-4, passed a bill for that purpose, and sent it up to the lords; but there it met with great obstruction from the persons who had opposed the corporation and other penal acts. Several amendments were made by them to the bill, which produced conferences between the houses; and in these conferences, Lord Ashley (along with the Earl of Southampton, the Earl of Anglesey, and Lord Mohun) was a manager for the lords. Whilst the king and his courtiers were thus weakening the protestant interest at home, they entered into measures which were equally repugnant to it abroad.

War with
Holland.

This year the war was begun with Holland; the king being inclined to it from his resentment against the Dutch for their union with the long parliament. He was likewise instigated to it by the Duke of York, who, for the sake of the religion he had recently embraced, was entirely attached to the French interest. The scene was opened by Mr. Clifford, who was inflamed with

A.D. 1664. the same principles. On the 22nd of April 1664, he carried a message from the house of commons, to desire a free conference with the lords concerning some matters relating to foreign trade.*

* Lords' Journals.

In this conference, he represented that the Hol-
landers very much obstructed our foreign trade: A.D. 1664.
he set forth the complaints of the East-India
Company, the Turkey Company, the Royal Afri-
can Company, and the Portugal merchants, with
the amount of the damages they had suffered from
the Dutch, in six articles, to the value of 714,500
pounds; and presented a vote of the house of
commons, that his majesty should be humbly
moved to take some speedy and effectual course
for redress, and that in prosecution thereof they
would assist him with their lives and fortunes.
With this the house of lords concurred, and the
king sent an answer in writing, agreeable to their
vote; and upon the strength of it he entered into
the war, as indeed he had before determined.

France, by the wisdom of her own counsels,
and by the weakness of the counsels of other
states, was at this time advancing to a greatness
which rendered her formidable to all Europe.
Cromwell had laid the foundation for this great-
ness, by joining with and supporting her in her
quarrels with Spain. This was a fatal error in his
politics; an error into which he was led by pre-
ferring his private interest to that of the public.

King Charles, unhappily, followed him in the

A.D. 1664. same path, and, in so doing, acted from the same motives,—self-interest, and the establishment of an arbitrary power. Cromwell, however, showed by the acquisition of Dunkirk that he had some view to the welfare of England; while Charles, though he was sensible of its importance, weakly, and for a temporary accommodation, sacrificed it to France. Cromwell, in all his transactions, dictated to France with the spirit of a superior; but Charles received her commands with the submission of a dependant. Cromwell asserted the honour of England even in trifles; whereas the king was so negligent, that he ordered Lord Holles, his ambassador, to visit the princes of the blood, even after Lord Holles had refused it, had contested it, and had carried his point at the court of France.*

Lord Ashley appointed treasurer of the prizes.

At the breaking out of the Dutch war, commissioners were appointed for the sale and management of the prizes, with a treasurer, cashier-general, comptroller, and other officers. The principal commissioners, the treasurer, and comptroller, consisted of either the nobility, or of persons of great distinction. Lord Ashley was

* Lord Holles's letter to Secretary Morrice.—*Shaftesbury Papers*.

treasurer; and in this office, as in all his public and private affairs, he observed the utmost exactness and circumspection. He kept duplicates of accounts, which are still remaining, of all sums paid by him, and by what authority; whether by tallies into the exchequer, by warrants from the king under his sign manual and privy signet, or from the principal commissioners; which warrants were entered in the comptroller's office, and copies of them were preserved by him. In his accounts, he specified the sums received and paid, to whom they were paid, and for what uses; as Greenwich Hospital, the navy, Tangier, and other services. This care and exactness proved of advantage to him; for the house of commons, some time after, ordered a bill for appointing commissioners to examine the public accounts: but the king, perhaps to prevent any reflections that might arise from the parliament's beginning the inquiry, ordered a commission of the same nature, under the great seal, in which all the judges, and almost all the members who had been nominated in the bill, were made commissioners. Lord Ashley's accounts were laid before them; but, after strict inspection, there appeared no foundation for any censure on his conduct.

A.D. 1664.

A.D. 1664. [In this year Lord Ashley gave another instance of his abhorrence of that spirit of persecution which was now so prevalent, and which the majority of the nation seem to have mistaken for patriotism. Lord Clarendon, in his history of himself, says, "The Lord Ashley, out of his indifference in matters of religion, and the Lord Arlington, out of his good-will to the Roman catholics, had drawn in the lord privy seal, whose interest was most in the presbyterians, to propose to the king an indulgence for liberty of conscience." They argued the danger which must accrue from creating domestic enemies when they were upon the eve of a formidable foreign war: and they added an inducement which had much greater weight with Charles, that a good annual revenue might be raised by these means; for the violence which the commons had lately shown against all nonconformists had so terrified these sectaries, that they would gladly compound for protection in the exercise of their religion by yearly payments. The bill was covertly prepared, and everything was ready for its introduction into the lords before Clarendon knew anything of it. The king at last informed him of it, and begged his co-operation: but the chancellor,

as was expected, was violent against it. He was A.D. 1664. at the time confined by a severe fit of the gout, and the cabinet councils were consequently held at his house. But his zealous bigotry and his dislike of the authors of this bill lent him strength. "On the day appointed for the second reading," he says, "with pain and difficulty he was in his place in the house."

This was upon the second day of debate. The lord treasurer had already spoken against it, and the lord privy seal had abandoned it in despair; but Ashley was still earnest in its support. "Lord Ashley," says Clarendon, "adhered firmly to his point, spake often and with great sharpness of wit, and had a cadence in his words and pronounciation that drew attention. He said, 'It was the king's misfortune, that a matter of so great concernment to him, and in support of such a prerogative as would be found to be inherent in him without any declaration of parliament, should be supported only by such weak men as himself who served his majesty at a distance, while the great officers of the crown thought fit to oppose it.'" By this prerogative Lord Ashley could only have meant the power to remit penalties, which is undoubtedly inherent in the crown,

A.D. 1664. and which would of course have enabled the king to attain the same object, but by more circuitous and obnoxious means. Clarendon answered him with a violence of which he was afterwards ashamed ; and although the bill might possibly have passed the lords, yet, as it was sure of defeat in the commons, it was abandoned.

This abortive attempt was of course injurious to the cause it was intended to support, although the strenuous opposition offered to it by the Duke of York might alone have shown the people that it was favourable neither to the establishment of popery nor the protection of absolute power.]

A.D. 1665.
Meeting of
the parliament at Oxford.

On the 9th of October 1665, the parliament met at Oxford, the plague raging at that time in London. The king, in his speech, demanded a new supply for carrying on the war ; and, to enforce the demand, the Lord Chancellor Clarendon delivered a long speech at the conclusion of the king's, in which he enumerated the many injuries and affronts which England had received from the Dutch.* He called them "an ungrateful state," and said, "they had a dialect of rudeness so peculiar to their language, that it was high time for all kings and princes to oblige them to

* Lords' Journals.

some reformation, if they intended to hold correspondence or commerce with them." Lord Clarendon, however, delivered this speech *ex officio*; for he was believed to be averse to the war. The general scheme of power was still carrying on at home; and a design was laid to impose an oath on the whole nation, "that they would not endeavour any alteration of government, either in church or state; which was tacitly owning the present form to exist *jure divino*."* A.D. 1665.

The nonconformist ministers were looked upon as the most obnoxious set of men to the public; and they might be easily represented as the most dangerous, in consequence of the power which the sectaries had lately enjoyed. It was, therefore, thought that the best method of paving the way for the general introduction of the oath was to begin with the dissenting ministers.

Upon some severe expressions in the speech delivered by Lord Clarendon, October the 9th, against the nonconformists, the commons immediately passed, and sent up to the lords, the five-mile bill; by which no nonconformist minister could dwell in, or come within five miles of, any corporation, or any other place where he had been minister Five-mile Act.

* A Letter from a Person of Quality.

A.D. 1665. or had preached after the act of oblivion, unless he took the oath, as mentioned in the corporation act; to which were added these words: "and that I will not, at any time, endeavour any alteration of government either in church or state." By this dangerous oath, the king and his administration were to be left to act without control; and the people, being bound to an implicit obedience, must submit with patience.

Opposed by
Lord Ash-
ley and
others.

Lord Ashley, and his friend the Earl of Southampton,* opposed the bill in a strenuous manner; and showed, that the oath was in itself unjustifiable, that it sprang from bad designs, and must produce the most fatal consequences to the liberty of the subject: but, notwithstanding the opposition made by them, and by some other lords, the bill passed into an act. After the commons had despatched it, they brought in another, to oblige every subject to take the same oath. This bill was thrown out of the upper house by a majority of three votes only.⁶⁸

* Echard.

⁶⁸ This majority," says Mr. Ralph, "had the merit of saving their country from the greatest ignominy which could have befallen it,—that of riveting as well as forging its own chains." Mr. Locke, in his "Letter from a Person of Quality," remarks,

Lord Ashley, notwithstanding the vigour with A.D. 1665.
 which he acted in parliament, was at this time in
 a very bad state of health ; for the bruise in his
 side, occasioned by his being overturned in Hol-
 land, 1660, was become an incurable abscess : and,
 in the beginning of the summer of 1666, upon
 the single advice of Mr. Locke, who was then
 accidentally introduced to his acquaintance, he
 underwent an hazardous operation, which saved
 his life. His breast was opened, the matter dis-
 charged, and an orifice was ever after kept open
 by a silver pipe ; an instrument which became
 famous in the writings of several authors some
 years after, who never failed to reproach him with
 this infirmity.

The war with Holland was, in a great measure,
 owing to the intrigues and influence of the Design of
France.
 French king, who acted his part in this respect
 with great sagacity. He had formed a design for

“ The providence by which it was thrown out was very remark-
 able : for Mr. Peregrine Bertie being newly chosen, was that
 morning introduced into the house by his brother the now Earl
 of Lindsey and Sir Thomas Osborne, now lord treasurer, who
 all three gave their votes against the bill ; and the numbers
 were so even upon that division, that their three voices carried
 the question against it.”—*Locke's Works*, 4to edit. vol. iv
 p. 541.

A.D. 1665. the conquest of the Low Countries; * and, therefore, he fomented the war, in order to weaken the maritime powers, and prevent their obstructing his measures. He followed very closely the advice given in the following paper by the Count de Lyonne, who had been bred under Cardinal Richelieu, constantly employed under Mazarine, and was for many years secretary of state.

“ SIRE,

De Ly-
onne's letter
to the
French
king.

“ The present conjuncture of affairs abroad requires nothing more from your majesty's prudence than to respite for a little time the war against Spain. That which is already begun betwixt England and the United Provinces is the most fortunate occasion that can possibly be wished; and which the Divine Providence seems to present your majesty, not only to constitute you arbiter of the differences between those two nations, but by which you may exhaust them at a little charge, (being the only powers which can, and are, indeed, obliged to engage for the de-

* By Lord Clarendon's letter to Count d'Estrades, Oct. 27, 1662, this conquest seems to have been projected long before—to have been in a man-

ner concerted with the English court, at least with the chancellor; and the war seems to have been the consequence of it.

fence and protection of the Low Countries,) and A.D. 1666.
reduce them to such a condition, that it shall not be in their power to remedy it, though they would; provided, I say, your majesty will but foment this war, so as it may continue. The English will find themselves necessitated to implore your majesty's alliance and friendship; and the United Provinces absolutely depend upon your will, as having need of your assistance; and both will at last be reduced to an impossibility of opposing your just designs. But if once your majesty should undertake anything against the said provinces unseasonably, and with too much *empressement*, before your majesty be well assured that the strength of both nations is sufficiently weakened, your majesty will find the scene quite changed in a moment; and the same powers which are at present at variance, to the mutual destruction of each other, will unite themselves together by the motive and maxim of a stronger interest, the defence of the common rampart. It would be a stroke of admirable prudence to let them go on and ruin one another, and to behold the game at a distance, to blow the coals with address, and, by making a bustle, seem to be much concern-

A.D. 1666. ed to assert and defend the Hollanders your allies; from time to time encouraging them with some inconsiderable aid, whilst the whole stress of the war lies still upon their arms; till your majesty sees them reduced to the point of being no more able to oppose those conquests which your majesty has formed in your mind. Sire, there is only one thing to be apprehended in this design, namely, a league or confederacy between England, Sweden, and the house of Austria; to which, also, the Hollanders may haply be inclined of themselves, as well as other princes of the north. Experience, Sire, of former times, and the knowledge of the present, oblige me in all humility to declare, that there could nothing happen more fatal to the crown than such a league and union.

“ 1666.

DE LYONNE.

“ To the French King his master.”

Shaftesbury was celebrated for the strong power he possessed of delineating the characters of those with whom he was brought in contact. It is said that the earl was much in the habit of amusing himself by sketching the characters of his friends, and that many specimens of his talent

in this kind of composition yet remain among A.D. 1666.
the papers in the possession of his descendant.
The only one which has ever been published
is the following, which was first printed in the
third volume of the Connoisseur.

“ SKETCH OF THE CHARACTER OF THE HON. WM.
HASTINGS, OF WOODLANDS, IN THE COUNTY OF
SOUTHAMPTON.

“ In the year 1638 lived Mr. Hastings, by
his quality, son, brother, and uncle to the Earl
of Huntingdon. He was, peradventure, an ori-
ginal in our age, or rather the copy of our an-
cient nobility in hunting, not in warlike, times.
He was low, very strong, and very active; of a
reddish flaxen hair. His clothes always green
cloth, and never all worth (when new) five
pounds. His house was perfectly of the old
fashion, in the midst of a large park well stocked
with deer; and near the house rabbits to serve
his kitchen, many fish-ponds, great store of wood
and timber; a bowling-green in it, long but nar-
row, full of high ridges, it being never levelled
since it was ploughed: they used round sand
bowls: and it had a banquetting-house like a
stand, a large one built in a tree.

A.D. 1666.

“ He kept all manner of sport-hounds, that ran buck, fox, hare, otter, and badger; and hawks long and short winged. He had all sorts of nets for fish: he had a walk in the New Forest, and the manor of Christ's Church; this last supplied him with red deer, sea and river fish; and, indeed, all his neighbours' grounds and royalties were free to him, who bestowed all his time on these sports, but what he borrowed to caress his neighbours' wives and daughters; there being not a woman in all his walks of the degree of a yeoman's wife or under, and under the age of forty, but it was extremely her fault if he was not intimately acquainted with her. This made him very popular; always speaking kindly to the husband, father, or brother, who was, to boot, very welcome to his house whenever he came. There he found beef, pudding, and small beer, in great plenty; a house not so neatly kept as to shame him or his dusty shoes; a great hall strewed with marrow-bones, full of hawks' perches, hounds, spaniels, and terriers; the upper side of the hall hung with the fox-skins of this and the last year's killing, here and there a pole-cat intermixed; gamekeepers' and hunters' poles in great abundance.

“ The parlour was a large long room as properly A.D. 1666. furnished. On a great hearth, paved with brick, lay some terriers, and the choicest hounds and spaniels. Seldom but two of the great chairs had litters of young cats in them, which were not to be disturbed, he having always three or four attending him at dinner, and a little white round stick, of fourteen inches long, lying by his trencher, that he might defend such meat as he had no mind to part with to them. The windows, which were very large, served for places to lay his arrows, cross-bows, stone-bows, and other such like accoutrements. The corners of the room full of the best chose hunting and hawking poles; an oyster table at the lower end, which was of constant use twice a day all the year round, for he never failed to eat oysters before dinner and supper through all seasons: the neighbouring town of Poole supplied him with them.

“ The upper part of the room had two small tables and a desk, on the one side of which was a church Bible, and on the other the Book of Martyrs. On the tables were hawks' hoods, bells, and such like; two or three old green hats, with their crowns thrust in so as to hold ten or a dozen eggs, which were of a pheasant kind

A.D. 1666. of poultry he took much care of and fed himself. Tables, dice, cards, and boxes were not wanting. In the hole of the desk were store of tobacco pipes that had been used.

“ On one side of this end of the room was the door of a closet wherein stood the strong beer and the wine, which never came thence but in single glasses, that being the rule of the house exactly observed ; for he never exceeded in drink or permitted it. On the other side was the door of an old chapel, not used for devotion. The pulpit, as the safest place, was never wanting of a cold chine of beef, venison pasty, gammon of bacon, or great apple-pie, with thick crust extremely baked.

“ His table cost him not much, though it was good to eat at. His sports supplied all but beef and mutton ; except Fridays, when he had the best salt-fish (as well as other fish) he could get, and was the day his neighbours of best quality most visited him. He never wanted a London pudding, and always sung it in with ‘ *my pert eyes therein a.* ’ He drank a glass or two of wine at meals ; very often syrup of gilliflower in his sack ; and had always a tun glass without feet stood by him holding a pint of

small beer, which he often stirred with rose-
mary. A.D. 1696.

“ He was well-natured, but soon angry, calling his servants bastards and cuckoldy knaves, in one of which he often spoke truth of his own knowledge. He lived to be an hundred; never lost his eyesight, but always wrote and read without spectacles, and got on horseback without help. Until past fourscore he rode to the death of a stag as well as any.”

[Mr. Horace Walpole says of this, that “ it is a curious and well-drawn character of our ancient English gentry ;” and so it undoubtedly is. There is a portrait of this veteran sportsman at the Shaftesbury family seat at St. Giles’.]

Lord Ashley’s accurate perception of character was of singular use to him as a statesman. It was applied with great effect to the ministers, and the chief persons in most of the foreign courts. By this and by his foreign correspondence he had an early intelligence of their counsels. As he saw the designs of France, the increase of her shipping, the improvement of her trade, and observed all the measures tending to her rising greatness, he was earnest for concluding the war with Holland. He was, likewise,

Lord Ashley’s attention to foreign affairs.

A.D. 1666. the principal cause of the king's not running into another, which would have proved highly prejudicial to the trade of the nation.

English
merchant
ships at-
tacked by
the Dutch
in the Elbe.

At the breaking out of the war with Holland, Sir William Swann, the English resident at Hamburgh, applied to the senate to know whether they would undertake to keep the river Elbe in security, and protect the English ships from any hostilities. The senate answered, that their city was too weak to make such an engagement; but, if the King of Great Britain would agree to a neutrality in the Elbe, they would endeavour to persuade the States General to acquiesce in it. For the advantage of the city of Hamburgh, the States consented to such a neutrality; but the king would not declare his agreement.

In the beginning of the summer, 1666, the senate deputed Mr. Garmers, their syndic of the city, and afterwards Mr. Westerman, one of their body, to give notice to the secretary of the English company at Hamburgh, that they had received intelligence of the Dutch having a design to attack the English ships in the Elbe; and advised them, therefore, to be circumspect, and bring their ships under the can-

non of the city. These were lying at a place A.D. 1666.
called New Mill, about a mile distant from the
walls of Hamburgh, but within the jurisdiction
of the King of Denmark. There was no haven
or fort there, but only a wind-mill, and a house
which by the miller was made a victualling-
house. Upon this notice, several ships sailed
down the river to take the benefit of Sir Chris-
topher Myng's convoy; but, being disappointed,
they came back to their former station at New
Mill. On the 24th of August 1666, about
eight o'clock in the evening, four Dutch men-
of-war attacked the English fleet of merchant-
men: eleven ships immediately cut their cables,
and saved themselves under the protection of the
city cannon; three others, endeavouring to es-
cape, were stranded at a place something less
than a mile from the city, but out of its juris-
diction, and were burnt, along with a Ham-
burgh ship that was laden. As the English
had been firing their cannon all that day and
the former by way of rejoicing, the senate had
no knowledge of their being attacked, till they
saw the flames of the burning ships.

This accident so incensed King Charles, that
he ordered Secretary Morrice to send for the

A.D. 1666.

The King
threatens
war against
Hamburgh.

Hamburgh merchants residing in London, and to acquaint them how highly he resented the proceedings of the senate; and that, if they did not cause full and ample satisfaction to be made, within three months, for the losses occasioned by their permitting the ships to be burnt, he would take a proper course for the recovery of them, and the vindication of his honour.

The senate of Hamburgh said, that they ought not to make this reparation; and alleged that they had endeavoured to obtain a neutrality in the Elbe: that they had given early notice to the English to be in general upon their guard, but had themselves no knowledge or expectation of this particular attack: that the place where the ships were burnt, was under the jurisdiction of the King of Denmark: that the Hamburghers were greater sufferers than the English company; and that those ships which came under the protection of their cannon received not the least damage: that such goods, belonging to the English ships, as were plundered and brought into their territory, were, by the assistance and authority of the senate, restored to the owners: and that, even granting the attack had been in their territory, as it was

made by a superior power, no neutral country A.D. 1666. could by any law be obliged to make reparation to a third party. The senate presented, in their justification and maintenance of their rights, very ample remonstrances, supported by a great number of authorities from the civil law.*

Upon the refusal of the Hamburgers to make satisfaction, King Charles resolved to declare war against them. Lord Ashley, who had made himself master of the dispute, and found that the city was not to be blamed, laid before the king the ill consequences of such a war; and particularly represented that it would in a manner ruin the woollen manufactory, Hamburg being almost the only market for it abroad since the war with Holland; for the company of merchant adventurers permitted their members to trade only to two towns, viz. Hamburg and Rotterdam; and they had, at that time, a factory at Hamburg. He desired the king before his taking a step of such vast importance, to hear the opinion of the merchants of London; to which the king consented. Upon this, the following memorial was presented to Lord Ashley, desiring

Lord Ashley dissuades the king from it.

* These opinions of the civilians are amongst Lord Shaftesbury's papers.

A.D. 1666. him to lay before the king their reasons against the war.

“ MAY IT PLEASE YOUR LORDSHIP,

Memorial of
the English
merchants.

“ Since it has pleased his majesty so far to consider the sad condition of his poor subjects as that, by your lordship's prevailing mediation and intercession, we may humbly offer our thoughts before his majesty proceedeth to declare war against the city of Hamburgh, we return our dutiful thanks to his majesty for his princely care of his subjects; heartily praying to God so to bless his counsels, that they may tend to the peaceable and quiet settlement of his government over us; and that thereby trade and commerce may so flourish as to enable us to render him not only the tribute of our lips, but of our purses and estates. With all due submission, therefore, we conceive, that the just occasions of offence his majesty may have taken against the city of Hamburgh are referable to these two heads; breach of articles with his majesty, or injuries offered to his subjects trading thither. The first is a point too high for us to discourse on; but we beg leave to say, that, in all treaties made with the town of Hamburgh,

the kings of England have not thought fit to A.D. 1666.
descend so low as to make themselves parties. They have always preserved their dignity, and taken to themselves the controlling power of arbitrating differences between the city and company; so that they have rather been protectors and guarantees, than principals or accessories in any of the agreements.

“As, therefore, the first motive for the correspondence between the crown of England and the Hans Towns was the advancement of trade, we cannot but with grateful hearts acknowledge his majesty’s care, rather to hazard the inconveniences and uncertainties of war, than suffer his subjects to be imposed on; but, if reparation and satisfaction may be obtained, together with all probable obligations and assurances of a future good behaviour, we cannot so far forget the tender compassionate zeal which his majesty has always showed for the welfare of his people, as to distrust it now. We, therefore, humbly crave leave to say,

“First. That the trade of Hamburgh, giving the most constant and liberal vent to the woollen manufacture of this nation, and the commodities returned from thence being of more real use to

A.D. 1666. the kingdom than those of any other country, the interruption of that trade will not only prejudice the vent of that staple commodity, whereby the revenue of the whole kingdom will be much abated, and his majesty's customs be greatly lessened; but the returns from thence consisting chiefly in naval stores, the war, if it continues long, will with difficulty be carried on without a friendship with Hamburgh. It may not, also, be unworthy of consideration, that the privileges and immunities granted to the English merchants are not only greater than any factory in the world hath, but were given in the infancy of trade, when we were sole masters of the woollen manufactory; and should they be once forfeited, would never be restored again.

“Secondly. As to the affair of the burnt ships; his majesty being pleased to make himself judge of it, for the righting of his subjects, in all humility we acknowledge his favour and justice; whereof, though we have received no benefit, yet we cannot justly lay that upon the Hamburghers, the commission for making out many of the claims not being yet returned from Hamburgh.

“Thirdly. As in the beginning of the war against the Dutch, the English merchants ex-

ported vast quantities of cloth to Hamburg, A.D. 1666. (that town, in all wars with the Dutch, having been the magazine for the northern parts of the world,) it appeareth that the English goods now there, together with the debts owing from the Hamburgers, upon a just and regular computation, amount to about four hundred thousand pounds sterling, which in case of a war will certainly be confiscated: a sum that never will be repaid by the prizes which may be taken; for that inconsiderable town, not daring to contend with his majesty, will immediately abstain from all trade, and not venture to put out one ship to sea, their inland trade being what will support them; and consequently their mariners, who are very numerous, will serve the Hollanders for bread: and besides, the lives of those Englishmen who are there will be exposed to the violence of an enraged, ungovernable populace; and then what remains but that our miserable traders thither must throw themselves and their families at his majesty's feet for bread? which would be, also, the condition of several thousands of clothiers and artificers of this nation, who are wholly supported and maintained by that trade. And now, my lord, we are too sensible of his majesty's goodness,

A.D. 1666. to impose upon it longer by our discourse: we know our concerns are safely lodged when within his breast, and may esteem our fortunes secure, when committed to the tender care of the father of our country."

Lord Ashley's aversion to the designs of France.

The war with Holland had been owing to the intrigues of France, whose instruments for promoting and carrying it on were the Duke of York and his adherents in the court. The chief persons entrusted by the duke, and promoted by his influence, were declared or suspected papists; from whence Lord Ashley soon penetrated the secret of his being perverted to popery. The duke's principles made him believe that the crown ought to be vested with an arbitrary power, and his temper naturally led him to the practice of it: France promised him support in all his views, whether relating to government or religion; and for this reason he was always closely attached to her interest. Lord Ashley had an invincible aversion both to arbitrary power and to popery.*

* Ce seigneur, quoique d'ailleurs très modéré, estoit intraitable sur la religion Romaine, pour laquelle il avoit une aversion invincible. Il n'estoit pas mieux disposé à l'égard du pouvoir arbitraire et tyrannique, c'est une chose connue de tous ceux qui ont eû quelque commerce avec lui, ou qui en ont oui parler à ceux qui l'ont connu. — *Le Clerc, Bibliothèque Choisie*, tom. vi. p. 364.

His opposition, in council, to every step in favour A.D. 1666.
of either of these, and his suspicions of the duke,
which he did not dissemble, gave the latter a dis-
taste to him, that settled in an irreconcilable
hatred ; though the duke as yet had not dared to
make any public profession of his religion.

The war evidently tended to weaken the mari-
time powers, and in them the protestant interest. He pro-
motes a
peace with
Holland.
The French king's greatness could only be built
on their ruin ; and therefore Lord Ashley tried
every art, and used his utmost interest, to for-
ward a peace with the Dutch. However, he pro-
posed, at the same time, that the nation might
reap some advantage by the war ; and for this
purpose he delivered a paper to the king, repre-
senting that, in the treaty of peace, one half at
least of the trade of nutmegs, mace, cloves, and The terms
proposed
by him.
cinnamon, which were solely in the hands of the
Dutch East-India Company, should be claimed
and insisted on. These claims he grounded on
the Dutch having, by fraud and force, dispos-
sessed the English of the spice trade at Amboyna
and Poleroon ; on their keeping possession of it,
contrary to an agreement made with King James
in the year 1619, by which agreement the Eng-
lish were to have one third part of the trade ; on

A.D. 1666. their detaining the island of Poleroon, contrary to articles lately made ; on their, also, obliging the King of Macassar to exclude the English by name from the trade of cloves ; and on their expelling the Portuguese from the island of Ceylon, and depriving the English likewise of the cinnamon trade ; by which means, being the sole masters of those commodities, they made the whole world pay at least four times the price for them which they formerly did.

He proposed that if this agreement should be made with the Dutch, the English, for their own security, should have a military command in those places ; that caution should be taken at home for the performance of what was stipulated ; that the commodities shipped from any of those islands to Europe, Persia, or other parts of the world, should be for a joint account of both nations ; and that, if not the whole, at least half of the goods should be laden in English ships, and sold at such rates as should be mutually settled between the two powers : but this representation had no effect. The war was neither entered into nor concluded with any regard to the interest of England. It was carried on without honour, and ended without advantage.

On the 16th of May 1667, Lord Ashley lost A.D. 1667.
 his relation and great friend, the Earl of South- Earl of
 ampton; and in him the public was deprived of Southamp-
 a true patriot, and the protestant interest of an ton's death.
 eminent support. He, in conjunction with Lord
 Ashley, Lord Roberts (lord privy seal), the Earl
 of Manchester (lord chamberlain), the Earls of
 Northumberland, Leicester, Sandwich, and An-
 glesey, Lord Holles, and Secretary Morrice, had
 given great opposition to the French interest, to
 the penal laws, and the schemes of arbitrary
 power.

After his death the following commissioners
 were appointed for executing the office of lord
 high treasurer, viz. the Duke of Albemarle,
 Lord Ashley (who continued chancellor of the
 exchequer), Sir William Coventry, Sir John
 Duncombe, and Sir Thomas Clifford.⁶⁹

On the 23rd of May 1667, a treaty of com-

⁶⁹ Clarendon claims the merit of having recommended Lord Ashley upon this occasion. He says the king "named Sir Thomas Clifford, who was newly of the council and comptroller of the house, and Sir William Coventry, and said, 'he did not think there should be many;' and the duke then named Sir John Duncombe, as a man of whom he had heard well, and everybody knew he was intimate with Sir William Coventry. The king said, 'he thought they three would be enough, and that

A.D. 1667. merce* was concluded with Spain, the instructions for forming which were drawn up by Lord Ashley.

Treaty of
commerce
with Spain.

Peace with
Holland.

On the 24th of August in the same year, a peace was proclaimed with Holland. The share which Lord Ashley had in this transaction was so well known to the States General, that, when

* The heads of this treaty, and one remarkable article in his own handwriting, interlined and corrected in some places, are among his papers; the instructions was, that no searching of ships should be allowed.

a greater number would but make the despatch of business the more slow.' "

Clarendon, who disapproved of executing offices by commission as a method adapted rather to the genius of a republic than to that of a monarchy, among other objections "put his majesty in mind that he must dismiss the Lord Ashley from his office of chancellor of the exchequer, if he did not make him commissioner of the treasury, and one of the quorum:" and he also pressed upon the king that it would be necessary to have persons to give some lustre to the others.

The king's answer was, that "he did not care if he added the general to the others, but the Lord Ashley gave him some trouble;" and, says Clarendon, "he said enough to make it manifest that he thought him not fit to be amongst them, yet he knew not how to put him out of his place, but gave direction for preparing the commission for the treasury to the persons named before, and made the Lord Ashley only one of the commissioners and a major part to make a quorum; which would quickly bring the government of the whole business into the

they sent over their ambassadors, these had particular orders to wait on him, and delivered him a letter, in which the States desired the continuance of his friendship. A.D. 1667.

hands of those three who were designed for it: and Ashley rather chose to be degraded than to dispute it." — *Life of Clarendon*, p. 418.

Clarendon thought Ashley degraded, because it had always been usual in the choice of commissioners of the treasury, that the chancellor of the exchequer should be the sole person of the quorum.

CHAPTER IX.

Fall of the Earl of Clarendon.—Decline of the French interest at Court.—Domestic measures.—Satisfaction of the Parliament.—Triple Alliance negotiated.—Permanent Committees of the Privy Council established.—Care for the Navy.—Peace with Spain.—Conduct of the French King.—Terms of the Triple Alliance.—State of the English Council.—Influence of the Duke of York.—Lord Conway's Letter to Lord Ashley.—Memorial to the King.

A.D. 1667.

Lord Clarendon
disgraced.

ON the 31st of August the seals were taken from the Earl of Clarendon, and given to Sir Orlando Bridgman, with the title of Lord Keeper. This is a critical part of Charles's reign; for some short time before the dismissal of Lord Clarendon, and some time after it, the king seemed to have broken loose from the fetters in which he had been and was afterwards chained: there was a general alteration in his conduct, and this short interval might justly be called the golden age of his government. It may be proper therefore to take notice of the many remarkable and truly national transactions which preceded and attended

that dismissal; of the effects they had in the different courts in Europe; and to point out by whose counsels they were most probably directed. Nor can it be amiss to show, at the same time, by what means Lord Clarendon lost his interest with the king, and his credit with the public; and the apprehensions which France entertained that in him it was deprived of its principal support in the court of England.

A.D. 1667.

Review of
his conduct.

Lord Clarendon had many powerful enemies both in the cabinet and throughout the nation: his haughty behaviour, which even his advocates have allowed, might occasion the first, and his ministerial conduct the latter. He had been a great promoter of the penal laws,* which could not but render him obnoxious to all the moderate party in the nation, and might make the friends, and even the enemies of the king, (if at that time he had any) look back with just apprehensions on the violent proceedings of Charles the First. The marriage of Lord Clarendon's daughter with the

* In his apology, at the beginning of the first volume of his essays, Lord Clarendon assumes the merit of having been the chief promoter of one penal law, viz. "that for calling the king a papist;" an act as fool-

ish as it might have been made oppressive; for from that time (as has been observed by a great man in the same high station) no man ever doubted the king's being one.

A.D. 1667. Duke of York; the marriage of the king with the Infanta of Portugal subsequent to the former; the sale of Dunkirk, known at that time to be the chancellor's act; his attachment to the court of France, and his enmity to the court of Spain, had all contributed to render him very unpopular.

After his dismissal, the commons impeached him at the bar of the house of lords; and, on the 12th of November, many circumstances, which have since been brought to light, tend to support some of the articles alleged against him. In that relating to the sale of Dunkirk, Count d'Estrades' letters have evinced him to be the sole author of the sale of that important place; and these letters are corroborated by the testimony of Marshal Turenne.

Another article of the impeachment, viz. the sixth, "that he received great sums of money from the Company of Vintners, or some of them, or their agents, for enhancing the prices of wines, and for freeing them from the payment of legal penalties which they had incurred," is supported even by those historians who have been his warmest advocates; for in order to exculpate him from the clamour which at that time was general, that Clarendon House, (commonly called Dunkirk House,) was not built with any money he

received from the sale of Dunkirk, Echard, in particular, says, "it was built chiefly at the charge of the Vintners' Company, who, designing 'to monopolize his favour,' made it more large and magnificent than ever he intended." A severer charge could not well have been exhibited against a chancellor and first minister than that which is thus proved by this unskilful advocate.

Upon the impeachment being carried up to the lords, a motion was made for sequestering him from parliament, and committing him. This Lord Ashley, among others, opposed, * because no particular treason was assigned in the impeach-

Lord Ashley opposes his being imprisoned.

* This the Earl of Rochester (the youngest son of the chancellor) acknowledged to the Earl of Shaftesbury, who was father to the present⁷⁰ earl. It is to be observed that, in the protest upon this question, which was signed by twenty-eight lords, several of whom, as the Duke of Albemarle and others, were then, and had been from the restoration, in some of the principal offices of the court, there is the following remarkable article, viz. "The Earl of Clarendon's power

and influence, in the absolute management of all the great affairs of the realm, hath been so notorious ever since his majesty's happy return into England until the great seal was taken from him, that, whilst he is at liberty, few or none of the witnesses will probably dare to declare in evidence all that they know against him."

This appears evidently in Lord Clarendon's History of his Life, where we find that he took upon him to direct all

⁷⁰ The fourth earl.

A.D. 1667. ment; and, in so doing, he showed that he was not governed by any spleen or resentment; though he had usually differed from the chancellor in public debates, and especially in whatever related to the penal laws.

Lord Clarendon, upon his impeachment, withdrew, and, some time after, sent to the house of lords a long memorial tending to justify himself against the accusation of the commons: but in this his answer was general; and as to one of the chief articles, viz. that relating to the sale of Dunkirk, he was entirely silent. This memorial, which was received by the lords on the 3rd of

the proceedings of the house of commons, and that he did not scruple, even in the king's presence, to treat in a very	abusive manner the persons whose schemes he disapproved. See his behaviour to Sir George Downing, vol. iii. pp. 609, 610. ⁷¹
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⁷¹ He told him in the presence of his sovereign, "that it was impossible for the king to be well served whilst fellows of his condition were admitted to speak as much as they had a mind to; and that in the best times such presumptions had been punished with imprisonment by the lords of the council, without the king's taking notice of it."—*Clarendon's Life*, 321. It is difficult to find a speech of equal brevity, which combines so much overbearing insolence and pitiful illiberality; or which breathes so much of the true spirit of tyranny. This is the man who, Hume says, "was always a friend to the liberty and constitution of his country," and this was his idea of her best times.

December, raised a great flame in both houses, A.D. 1667. and exasperated the public against him. The next day, the king declared in council,* that Lord Clarendon should be put out of the council, and from thenceforth be divested of the office of chancellor; and on the 13th of the same month, a bill was sent from the lords to the commons for banishing the Earl of Clarendon, who afterwards settled in France, during the remainder of his life.

For a short time before and after Lord Clarendon's disgrace, the French interest subsided. The French interest declines at the English court. The treaty of peace with Spain filled the court of France with apprehensions that our court was going into too close an union with the Spaniards; and these apprehensions were so greatly increased by Lord Clarendon's disgrace happening very soon after it, that Monsieur Ruvigni† was sent to England with instructions to sound the disposition of the English court, and to know whether, upon Clarendon's being turned out, the king had not been prevailed on to quit the friendship of France, and enter into a closer alliance with Spain.

* London Gazette.

the 11th, eleven days only

† Ruvigni had his first audience of the king, September after Lord Clarendon was turned out.

A.D. 1667. The peace with Holland, which speedily followed the treaty with Spain, was another circumstance that gave uneasiness to the court of France and to the popish interest. This peace was owing to the same counsels which brought the king, at this time, into several measures that were evidently calculated for the public welfare.

Orders of
Council
against the
papists.

On the 11th of September, an order of council was published in the Gazette,* taking notice of the great resort of people to the chapels of the queen, queen mother, and the foreign ministers; and notice was given, that if any British subject (unless those belonging to their families) should repair thereto, the penalties and punishments should be inflicted on them which were provided by the law: "a sure indication that the Duke of York had not the ascendant in council, and that the popish interest was forced to give way a little to an English and national one."

These measures were carried still further; the king ordered that all papists should be removed from military employments, and that they should even be turned out of the guards. He commanded, at the same time, that the forces which he had lately raised should be disbanded.

* London Gazette.

Many regulations were made by the council A.D. 1667.
 with regard to monopolies and exclusive charters
 in trade, which had been obtained during the
 ministry of Lord Clarendon. The Canary pa-
 tent,* in particular, was required to be given up;
 as it was, on the 18th of September; and the
 company was dissolved. On the 25th of the said
 month, the surrender was advertised in the Ga-
 zette, and that "thereby all the liberties of the
 company tending to a sole trade into the Canary
 Islands were wholly dissolved." On the same
 day, the king, in council, ordered a proclamation
 to be issued, calling in and revoking a proclama-
 tion of the 25th of May 1665, which enjoined
 the due observance of the charter and privileges
 lately granted to the governor and company of
 merchants trading to the Canary Islands; and,
 also, all other proclamations and orders whatever
 relating to that company, or whereby trade to
 these islands was in any wise prohibited or re-
 strained; and for granting full and free liberty of
 trade to the Canary Islands, as was formerly used
 before that charter of incorporation.†

Canary
Company
dissolved.

On the 20th of September it was advertised,

* London Gazette.

Clarendon was, "that he had
 received great sums of money
 for the procuring of the Canary

† The third article of the
 commons' impeachment of Lord

A.D. 1667. likewise, in the Gazette, * that the king, having taken notice of the many and great abuses committed by the company of woodmongers in the sale and vent of fuel of all kinds, to the great oppression of the poorer sort, required them to surrender their charter. This, however, they refused; † and, therefore, an order of council was made and published, that the attorney-general should proceed by a quo warranto against the charter, and by information in the King's Bench, against the abuses and exactions of the woodmongers, for the misusal of their patent.

Company
of Wood-
mongers
proceeded
against.

An unjusti-
fiable order
of council
revoked.

On the 27th of September, the king, by advice of the privy council, published a proclamation, ‡ thereby revoking an order of council, of October the 25th, 1665, for dispensing with the act of navigation, and giving liberty to merchants and others trading to and having goods of Malaga, Alicant, and other foreign parts, to return and bring home their effects, notwithstanding the

patent and other illegal patents; and had granted illegal injunctions to stop proceedings at law against them, and other illegal patents formerly granted."

don's name was struck out of the council books, the company of woodmongers, as if sensible that they had lost their principal friend and support, surrendered their charter.

* London Gazette.

—London Gazette.

† On the 7th of December, three days after Lord Claren-

‡ London Gazette. Journals.

act of navigation. As there was no clause in the act conferring such a power upon the king, this was the first instance in his reign of such an extension of the prerogative; and, though it is passed over in silence by all our historians, was as unjustifiable as the dispensing power in the relaxation of a penal law, which was exerted in the year 1672. The latter, however, as it related to ecclesiastical points, and was in favour of toleration, was made a greater subject for clamour.

A.D. 1667.

Upon the 10th of October, the king acquainted the parliament that, at their last meeting, about eleven weeks since, he thought fit to prorogue them to this day; and that, "in the mean while, he had given himself time to do something which he hoped would not be unwelcome to them, but be a foundation for a greater confidence between them for the future." The lord keeper, among other things, said, "that as to the accounts of the moneys given towards the war, which his majesty formerly promised should be given them, his majesty had commanded his officers to make them ready; and, since that way of commission wherein he put the examination of them had been ineffectual, he was willing the parliament should follow their own method, to examine them in what

The king's
popular lan-
guage to
parliament.

A.D. 1667. way and as strictly as they pleased; assuring them he would leave every one concerned to stand or fall according to his own innocence or guilt; that if any just grievances had happened, his majesty would be as willing and ready to redress them for the future as they to have them represented; he not doubting but that they would give healing and moderate counsels, and imprint that known truth in his subjects' hearts, that there is no distinct interest between the king and his people, but that the good of one is the good of both."

These speeches were received with the general applause and satisfaction of both houses.* It is remarkable that the last passage in the foregoing speech was a favourite maxim of Lord Shaftesbury, often mentioned by him. He particularly asserted this constitutional proposition, at the swearing in of Lord Treasurer Danby; when he told the treasurer, that none but mountebanks in politics would think of separating the interests of the king from those of the people.

His measures highly approved.

What Charles said to the houses of parliament was highly agreeable to them, and the measures which he had taken met with equal approbation.

* London Gazette.

They returned their thanks, in particular, for his having been pleased to disband the late raised forces, and to dismiss papists from his guards and other military employments; for causing the Canary patent to be surrendered and vacated; and, more especially, for his having displaced the late lord chancellor.⁷² A.D. 1667.

The same honest, the same wise counsels, which had influenced the king to adopt these national measures, went farther, and laid a foundation for securing the liberties of Europe against the encroaching power of France, and for advancing and fixing the reputation of Charles if he had been attentive to it himself. A scheme was laid for entering into a closer alliance with the States General; and, for that purpose, in the beginning of January 1667-8, Sir William Temple was sent for from his residence in the country, and immediately despatched ambassador to Holland. He Triple alliance.

⁷² This vote was not obtained very readily. It was first moved, says Clarendon, by "one Tomkins, a man of very contemptible parts and of worse manners, who used to be encouraged by men of design to set some motion on foot which they thought not fit to appear in themselves." It was, however, negatived, and the king was very much offended. The address was afterwards carried in the lords upon the motion of the Duke of Buckingham, and the commons concurred.

A. D.
1667-8.

acted his part with great address, and the States entered into the alliance without waiting for, or going through, the usual forms prescribed by the constitution of Holland.

The whole merit of this alliance has been generally ascribed to Sir William Temple, as if he had been sent into Holland in that hasty manner, without any design or scheme previously formed by the ministry at home: but few, who will be at the trouble of reflecting, can suppose he did not carry with him his instructions; or can imagine, that the States were not immediately sensible of the necessity of their taking this step, without his persuasions. They must have been instantly struck by the prospect of the great and general advantages which must result from such an alliance, and they must have known that, in order to be successful the negotiation must be managed with secrecy and despatch.

On the 19th of January, Sir William Temple brought from Holland the treaty; and, at the same time, the Count Dhona, minister from the King of Sweden, arrived in England. A committee of council * was immediately appointed, to

* By the council books it appears that Lord Ashley was one of this committee.

settle with the count the articles of a treaty of commerce with Sweden; and these being adjusted, Sweden, by this minister, entered as a principal into the alliance lately concluded with Holland, from whence it came to be called the Triple Alliance. It has, ever since, been commemorated as the wisest step in politics which was taken in Charles the Second's reign; the great end and design of it being to prevent the French king reducing the Spanish Netherlands,* which he had invaded in the preceding summer, upon the pretension of his queen's title to Brabant, after the death of her father Philip the Fourth; though he had made a solemn and formal renunciation of the same upon his marriage with her.

A. D.
1667-8.

The greater part of the miscarriages of this king's reign had been hitherto owing to the affairs of administration being conducted principally by one man, with the sanction, perhaps, but without the advice of the council. Such was the case in

New regulations for conducting public business.

* This shows that a different scheme of politics prevailed in the cabinet, from what had operated there a few years before; for Lord Clarendon either did not see, or was so negligent of any bad consequences which might arise from the French

king's becoming master of the Netherlands, that he urged it as an argument with Count D'Estrades to induce his master to become a purchaser of Dunkirk, that the possession of this place would favour his invasion of those countries.

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the sale of Dunkirk, and in several other unpopular and impolitic measures. Nothing could be more acceptable, therefore, to the nation than showing that, for the future, everything would have its due consideration at the council-board. The following regulations were made for this purpose in the council; and these were introduced with a preamble, which was intended to convince the public that the king was sensible, or at least willing to have the people think he was sensible, of his former error in trusting the management of public affairs to the sole direction of any one man.

The character and employment of a prime minister was always highly disagreeable to the English people, and is indeed repugnant to the English constitution, being more adapted to an absolute government than to a free and limited monarchy. On February the 15th, the following account was published in the Gazette, viz.: "His majesty, continuing to pursue what he hath so happily begun for the better regulating his affairs for the future, and having, amongst other important parts thereof, taken into his princely consideration the ways and methods of managing matters at the council-board, on Friday, January

the 31st, declared his pleasure to the board, that certain standing committees of the council, for several businesses, should be henceforth established, together with regular days for their assembling, viz.:

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“First. A committee for foreign affairs, to which is also to be referred the corresponding with the justices of the peace, and other his majesty’s officers and ministers in the several counties, concerning the affairs of the kingdom, &c.

“To meet always on Mondays.

“Secondly. A committee for such matters as concern the admiralty and navy, as also all military affairs, fortifications, &c. so far as they are fit to be brought to the council-board without intermeddling in what concerns the proper officers, unless it shall be by them so desired.

“To meet on Wednesdays.

“N. B. The Duke of York did the same day preside at this committee.

“Thirdly. A committee for the business of trade, under whose consideration is to fall whatever concerns the foreign plantations, as also what relates to the kingdom of Scotland, and Ireland, with the isles of Guernsey and Jersey.

“To sit on Thursdays.

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1667-8.

"Fourthly. A committee to whom are to be referred all petitions of complaints and grievances, to whom his majesty hath thought fit particularly to prescribe that they meddle not with property, or what relates to *meum* and *tuum*; to which committee his majesty is pleased that all matters which concern acts of state or of council be referred.

"To sit on Fridays.

"For the rendering which constitution the more effectual, his majesty was pleased to declare, that, for the future, as nothing is to be resolved in council till the matter hath been first examined, and hath received the opinion of some committee or other; so, on the other side, that nothing be referred to any committee until it hath been first read at the board; with other wholesome rules, which are for the future to be strictly observed." *

Regula-
tions con-
cerning na-
vigation.

Immediately after the framing of this wise constitution, the king was advised to take another step equally agreeable to the people and beneficial to the state. The French king had been very assiduous, and been at a vast expense, in establishing a navy; and our court had shown great

* London Gazette, Feb. 6, 1667-8.

complaisance, not only in assisting him with ship-builders, but in permitting the English sailors to go into his service, for the instruction of his own. The late invasion of the Netherlands was sufficient to alarm the maritime powers; and upon this account, as has been already said, the triple alliance was made. For the same reason, a proclamation * was ordered, February the 7th, to be issued, publishing several rules and ordinances relating to navigation; among which one was, "that no officer or mariner whatsoever, being his majesty's subject, should presume to put himself into the martial service of any foreign prince or state, or accept of or execute any commission of war, or letter of marque or reprisal, from any such prince or state, or go in any merchant or fishing voyage, in any ship or vessel than such as belong to his majesty's own subjects, without leave from his majesty, or his Royal Highness, his majesty's high admiral, in due form first obtained; and commanding all officers, mariners, and seafaring men, in any such service, to leave the same forthwith, and to get their appearance and return to their native country recorded in the high court of admiralty, or some offices thereunto empowered,

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* London Gazette.

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1667-8.

upon pain of being reputed and punished as pirates : and such as neglected to return upon this summons were, when they happened to come into any port or place of his majesty's dominions, to be seized and committed to the next gaol till farther orders ; and the certificates thereof to be with speed returned to the court of admiralty, that the offender might be proceeded against."

It is evident, by the defensive alliance entered into with Holland, that this proclamation could not be designed to affect the States General : nor, indeed, could it affect them, as, from the great extent of their trade, and the long time they had been in possession of it, they could be in no want of sailors. Besides this, the king declared to the parliament, five days after, " that he had made a league defensive with the States of the United Provinces ; and, likewise, a league for an efficacious mediation between France and Spain ; into which league the King of Sweden, by his ambassador, offered to enter as a principal : that the consequence of this new alliance would oblige him, for the public security, to set out a considerable fleet to sea, and that he proposed building more great ships : and that, for the settling a firm peace, as well at home as abroad, one thing more he held

The king's
declaration
to parliament,
Feb. 12,

himself obliged to recommend to them; which was, seriously to think of some course to beget a better union and composure among his protestant subjects in matters of religion, whereby they might be induced not only to submit quietly to his government, but also cheerfully give their assistance to the support of it."

A.D.
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Particu-
larly in fa-
vour of pro-
testant dis-
senters.

The king had just entered into a defensive alliance for the support of the common cause, and, in consequence of this, proposed to the parliament the building a greater number of large ships. It is very evident, therefore, that the proclamation for calling home the English sailors was calculated to obstruct the schemes of France only, whatever the king's secret disposition might be in her favour, and however generally the proclamation might be worded.

The manner in which the king spoke to the parliament was very remarkable, and plainly proves that it was suggested by that part of the council who were friends to a toleration. The king had before expressed his desire to have a power of showing an indulgence to dissenters from the church of England; but the word, being general and unlimited, included the papists, as well as the presbyterians, anabaptists, and other

Reflections
upon it.

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1667-8.

protestant sectaries: and, indeed, in his speech February 18, 1662-3, in which he wished for this power of indulgences, he said, "he must confess, there were many of the popish profession, who having served his father and himself very well, he might fairly hope for some part of that indulgence being shown to them, as he would willingly afford to others who dissented from the church."⁷³

Most of the other speeches, from the beginning of this parliament, breathed forth a persecution of the protestant dissenters; and all attempts to relieve them, or to distinguish them from the papists, with regard to penalties, were looked on as proofs of enmity to the church; as if its only foundation could be laid on the ruins of professors of the same faith. The pro-

⁷³ The speech of 1662-3, ran thus: "The truth is, I am in my nature an enemy to all severity for religion and conscience, how mistaken soever it be, when it extends to capital and sanguinary punishments, which, I am told, were begun in popish times. Therefore, when I say this, I hope I shall not need to warn any here, not to infer from thence that I mean to favour popery. I must confess to you there are many of that profession, who, having served my father and myself very well, may fairly hope for some part of that indulgence I would willingly afford to others who dissent from us.' But he was obliged to qualify this declaration, by disclaiming all idea of a toleration, and even by desiring that some new laws might be made to hinder the growth and progress of the catholic doctrines.

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moting an union among protestants was certainly the most effectual way of baffling the designs of the papists, whose security consisted in the divisions of the former, especially when these divisions were conducted and enlarged by the hands of power: for, whilst the protestants of different denominations were attentive only to their resentments against each other, the public enemy of both pursued her points with greater secrecy and less interruption. This speech, therefore, from the throne, recommending it to the parliament to think of some course for begetting a better union and composure among the king's protestant subjects, and those only, shows that the Duke of York and his adherents in council had not then the ascendancy.⁷⁴

On the same day that the king declared to the parliament the alliance he had made with the States, the peace with Spain was proclaimed; and the king acquainted the houses,* that articles of

Peace with
Spain pro-
claimed.

* London Gazette.

⁷⁴ James (or his biographer) says of this period: "After the chancellor's removal, the ministers disagreed among themselves. Sir William Coventry was turned out of all his employments by Bucks and Lord Arlington. They all joined to lessen the Duke of York's interest with the king, lest he should get Clarendon recalled.—*Macpherson's Extracts*, vol. i. p. 41.

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commerce with Spain had been lately ratified, by which the commercial relations of the two kingdoms were enlarged, and settled upon lasting foundations.

Order with
regard to
duelling.

The king was advised, about this time, to take a step which could not but be agreeable to the sober part of the nation, and wherein the kings of France had, indeed, set him a good example; which was, to suppress, as much as possible, the fashion of duelling,⁷⁵ then very prevalent, and a fashion that called for the power of the crown to interpose, as it was generally fatal to the principals, and entailed likewise great miseries on their families, by perpetuating

⁷⁵ The Duke of Buckingham now had some influence, and no one had a greater objection to the practice of duelling, although few were more frequently engaged in adventures of this description. About a twelvemonth before, he had been involved in a rather unpleasant affair with Lord Ossory. Buckingham in a debate had said something about Irish understandings, and the young Irishman at the rising of the house insisted upon immediate satisfaction for the insult offered to his country. Buckingham tried in vain to accommodate the matter, and Ossory left him saying, that he should expect to meet him in Chelsea fields with his sword in his hand, in less than an hour. Chelsea fields was a spot at that time very well known and not unfrequently chosen for these encounters, being not far from Buckingham house on the King's private road to Chelsea. But Buckingham happily bethought himself that the fields opposite Chelsea had an equal right to that name, and thither he accordingly repaired, stayed there some time, and of course returned home

discords between them. Accordingly, on the 25th of February, 1667-8, he ordered a solemn declaration to be entered in the council books,* and public notice to be given, that he was resolved thenceforth, that upon no pretence whatsoever any pardon should be granted to any person for killing another in a duel or rencounter; but that the course of law should wholly take place in all such cases.

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These transactions in the council, during this short interval, in which so right and good a dis-

* London Gazette.

unmolested. As, however, it was highly probable that Ossory would not allow the matter to rest here, the duke the next morning went down to the house, and there, with many an assurance to their lordships of the readiness with which he was always accustomed to give satisfaction to any one who chose to quarrel with him, and how "suitable and agreeable to his nature" this was, he gave his own version of the whole occurrence. Ossory could only answer, that from the minute manner in which the spot had been described, it was impossible that either could have mistaken it. The house of course interfered, and Buckingham was sheltered from his fiery opponent. The duke succeeded better in a pugilistic encounter he had soon afterwards in the Painted Chamber, during a conference between the two houses, with the Marquis of Dorchester. Buckingham lost a handful of hair, but he brought off the marquis's perriwig as a trophy. Both these stories are told by Clarendon in his Life, who would however, of course, give that version by which the duke appeared the most ridiculous.

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position appeared for the English interest, are thrown together, that the reader may form his judgment from whence they proceeded, and whose advice most probably prevailed at that time.

Inquiry
into the
source of
the national
measures.

Several of our historians, who have contented themselves with extracting from one another, and have not duly considered the characters of those who composed the council, have ascribed the national measures which were then taken chiefly to Sir Orlando Bridgeman, who was made lord keeper when the Earl of Clarendon was dismissed from the office of lord high chancellor; as if it must necessarily follow, that, succeeding Lord Clarendon in the possession of the seals, though but the keeper of them, he must succeed him likewise in all his interest and political power. Sir Orlando had never appeared in a higher light than as chief baron of the exchequer, had never been versed in affairs of state, and was, at the delivering of the seals to him, so far advanced in years, that the reasons given in the Gazette for his dismissal, five years after, were his great age and infirmities.⁷⁶ At the

⁷⁶ James the Second says of him, that "he was an honest, but a weak man."—*Macpherson*, vol. i. p. 48.

same time, there were several in the council, men experienced in business and capable of it, and among them Lord Ashley, described even by his enemies, particularly by Father Orleans the jesuit, as a man of a vast genius, one of the greatest England had produced for many years; penetrating, bold, and steady: but this merit is ascribed to him only when any misconduct is charged upon the ministry, and writers are at a loss on whom to fix it; and then his character is raised, as if only to depress it the more.

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The spirit which had appeared in the council, in the foregoing instances, arose and operated from a full conviction and experience of the weak and unnational measures in which the king had been engaged; from the tendency of these, and of the king and some about him, towards popery; from the dependence the king had been brought into, and was himself too much inclined to, on the King of France; and from the large strides which that monarch was making in his schemes of depressing the house of Austria, and gaining the possession of the Spanish crown.

The French king had, agreeably to the advice in Mons. de Lyonne's memorial, postponed the

Conduct of
the French
King.

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war with Spain till England and Holland had weakened each other, though not so much as he desired; for the peace was concluded sooner than he expected. However, before the conclusion of it, and when he had reason to think that the two powers were very much exasperated against each other, in the same month in which Admiral Ruyter, with the Dutch fleet, sailed into the Thames as far as Chatham, and burnt several English ships lying there, he entered into a war with Spain; annulled (as is said before) the queen's renunciation of her title to the Spanish monarchy;* and, with a powerful and unexpected force, invaded the Netherlands upon his queen's pretensions to Brabant, after the death of her father Philip the Fourth.

Though the French king took this crisis, when England and Holland were so warmly engaged against each other, to attack the Spa-

* Upon the French king's marriage with the Infanta of Spain, the Infanta had made a renunciation of all her pretensions, titles, or claims whatsoever to the Spanish monarchy and dominions thereof, or to any part of the same. To prevent any evasions, it was drawn up in the strongest terms, and with the most binding clauses imaginable: it was ratified by the French king, and was the foundation of his marriage, as this was of the Pyrenean treaty, in which the act of renunciation was incorporated.

nish Netherlands, which were unprovided for a sufficient defence, he omitted no artifices in order to make his way smoother to conquest. He had offered the Dutch to share the Spanish Netherlands with them, which had been Cardinal Richelieu's scheme, and which the States then wisely refused, though the province of Zealand was for accepting the terms. Wisely did the States refuse the offer; because nothing could be more dangerous to the Dutch than an extensive dominion, which must require proportionable supplies for its defence, and too much divert their attention from trade to war.

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After the peace was proclaimed between England and Holland, in the month of August 1667, and the dismissal of Lord Clarendon in the same month,—two blows which the French king did not expect,—he sent Monsieur Ruvigni to England, as mentioned before, to sound the disposition of the English ministry, and to know whether they were not entering into a closer union with Spain, which he had reason enough to apprehend, from the treaty of commerce lately concluded.* He exerted likewise his politics, and tried his utmost arts to engage the English court

* Turenne's Memoirs.

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as a principal in the war with Spain. He proposed the securing to England Ostend and Newport, on condition that the English fleet should join with the French. Besides the offer of these ports, he represented the advantages of attacking Spain in the West Indies, which would divide her forces, and render her incapable of resistance.

Reasons on
which the
triple al-
liance was
founded.

Some of the ministry were for closing with this proposal; but it was urged, on the other hand, that it would be attended with most pernicious consequences: that our commerce with Spain would immediately cease, and those advantages would be lost which she had granted by the treaty lately ratified at Madrid: that, if England should gain Ostend and Newport, France would soon be able to drive her out of them when she had got possession of the rest of the Netherlands: that she only wanted to be mistress of the principal ports there to obtain an absolute dominion of the sea: that the sale of Dunkirk had proved an irrecoverable misfortune: that, by our connivance, and even assistance, France had considerably increased her shipping; for whereas, not above three years before, she had scarce twenty men-of-war, she had now above treble that number, and was every day with great application augmenting

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them : that, if she was suffered to become a maritime power, she would soon, by her wealth and industry, command the commerce of the Indies and of Europe, which it would be then too late to think of preventing : that England would only become the instrument of aggrandizing France, by uniting the Low Countries to her dominions ; and either plunge herself into another war with the Dutch, who could never consent to see such ports in the hands of either England or France, or, at least, would force Spain to offer a *carte blanche* to France : that it appeared, by Monsieur de Lyonne's paper, that upon England's joining with Spain and the United Provinces, France would quickly desist from her enterprise ; and that Sweden, which had been ill-treated by France, being weary of serving her interest, might be easily induced to act a proper part, in concert with England and the United Provinces : and lastly, that such an union with France, and another war with the Dutch, would raise and spread a general discontent throughout the nation. These arguments prevailed ; and a plan of a treaty was immediately formed, which Sir William Temple, as mentioned before, was sent to the Hague to execute.

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Terms of
the treaty.

By this treaty a defensive alliance was made between the King of England and the States: they obliged themselves to use their utmost endeavours to induce the French king to stop the progress of his arms in Flanders, and to leave it wholly to the allies to procure the ends proposed in the league. In case the French king should reject the conditions proposed to him, and pursue his conquests, it was agreed that the allies should join their forces with the Spaniards, in order to oblige him to comply with the terms of the Pyrenean treaty. It was agreed, likewise, that they should use their endeavours to establish a peace between Spain and Portugal; a war having subsisted from the time that the Duke of Braganza had obtained the kingdom of Portugal by the famous revolution of government which had taken place in that country. By such a peace Spain would be at greater liberty to withstand the encroachments of France in the Netherlands. The Earl of Sandwich was sent ambassador to the two crowns; and the negotiations were so happily carried on, under the guaranty of England, that, about the same time the defensive alliance with Holland and the peace with Spain were proclaimed, Sir Robert Southwell, envoy to the King

Peace between
Spain and
Portugal.

of Portugal, arrived in England, February the 19th, 1667-8, with the account of a treaty's having been concluded between Spain and Portugal, on the 13th of February, at Lisbon.

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As the court of France had appeared, upon the first news of the removal of Lord Clarendon, extremely jealous of England's union with Spain,* it was justly alarmed at the conclusion of these several alliances; and, soon after, struck up a peace with Spain, which was ratified at Aix-la-Chapelle, May the 2nd, 1668. The three allies, England, Holland, and Sweden, were guarantees of the peace; and an envoy from England was sent to several princes of Germany, to invite them into the guaranty.

Treaty of
Aix-la-
Chapelle.

France waited for a more favourable opportunity to carry her designs into execution; and, in the mean time, she retained even by the terms of the treaty a great part of her conquests. The maxim upon which she constantly acted was, to make no scruple of breaking through any treaties, and to be the first to enter into a war, as hence she was sure to take her enemies unprovided, and to gain conquests at an easy rate; and then, at a peace, to affect a moderation in receding from

Policy of
France.

* Turenne's instructions to Ruvigni.

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part of her acquisitions, in order to retain the rest. By a steady adherence to this conduct France has been extending her dominions ever since the reign of Louis the Eleventh.

Another maxim which has, likewise, greatly contributed to the grandeur of France, has been to enter immediately into a treaty when an union against her grows formidable. Thus she constantly keeps her own interest in view, and constantly pursues it; making war without anger, and peace without friendship.

State of the
English
council.

Though France secured some important acquisitions by the treaty of Aix-la-Chapelle, the forcing her, in a manner, into the peace was no small point gained, considering the inactivity of the court of Spain, and its inability to maintain a war, and considering the terms on which England and Holland at that time stood with regard to France; for England and Holland were both of them weakened by the contest with each other, and the king and the Duke of York were secret wellwishers to the French designs.

The end which was, in a certain degree, obtained by the treaty, might have been, and probably would have been, farther pursued, if the opposition to the French interest could have been

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longer successful in the English court. The committee of council which is first named in the regulation lately mentioned was that for foreign affairs. This came afterwards to be called the cabinet-council; and the persons that composed it were the Duke of York, Prince Rupert, the Duke of Buckingham, Duke of Ormond, Earl of Lauderdale, Lord Ashley, Lord Arlington, Sir Thomas Clifford, and Secretary Morrice. They were soon divided into two parties. Prince Rupert, the Duke of Buckingham, Lord Ashley, and Secretary Morrice, endeavoured to draw the king off from that strict union in which he had been engaged with the court of France from the Restoration; whilst the Duke of York and Sir Thomas Clifford laboured to carry him back into his former attachment to France; and in this they too quickly prevailed. They were supported by the counsels and money of France, and the king's natural bias turned him that way; a bias which was not a little strengthened by his secret inclination to popery, and the Duke of York's and Clifford's impetuous zeal for that religion. To this zeal the king's indolence, and perhaps fear, made him too ready to submit. What confirms this last suggestion is, the saying of Sir Thomas

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Clifford himself; who, as he came out of the house of commons, when the members had been expressing their joy in the triple alliance, spoke aloud, "Well, for all this noise, we must have another war with the Dutch before it be long."⁷⁷

From whomsoever the first thought of the triple alliance proceeded, it was undoubtedly a wise and important scheme for the interests of this country, and of Europe in general. It is submitted to the reader whether the following considerations do not render it somewhat probable that the design of it might be suggested by Lord Ashley. He had the principal hand in drawing instructions for the treaty of commerce with Spain; he was, it is evident, in possession of Monsieur de Lyonne's memorial, and consequently well acquainted with the ambitious designs of

⁷⁷ At this very time Charles was making overtures to the French court. A correspondence with this view was being carried on between Buckingham and the Duchess of Orleans. Charles assured Rouvigny, the French ambassador, that he would be extremely glad to enter into the strictest union with Louis, and that he would willingly make a treaty with him as between gentleman and gentleman, as he preferred his word to all the parchment in the world.

These attempts were several times renewed during this summer, but Louis stood aloof. He wanted either confidence to trust, or gold to satisfy, his royal suitor.—*Dalrymple*.

France, of the growing power of which he always expressed the greatest jealousy : he was, at that time, high in the favour of the king,* and had a great influence over him. These considerations are strengthened by the letter in the note,† which is inserted here, though out of time, to show the reputation which Lord Ashley had acquired in the kingdom of Sweden.

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* Some time before the king had passed several days at Lord Ashley's house in the country.

Stockholm, Jan. 1,

† MY LORD, 1672-3.

The choice of your excellency's noble person to the chancellorship of England hath rejoiced this whole kingdom, and especially me, by reason of the great obligations which your bounty hath laid on me during my abode there. This preferment and dignity was due long since to your high merits ; and I do humbly

assure your excellency, that it is generally believed here, the interest of this and your nation will flourish under the wise conduct of such a renowned chief minister of state as you are. Wherefore I do find myself in duty bound heartily to wish all prosperity to your weighty designs, and to pray, with all respect imaginable, for the continuance of your wonted favour to,

My Lord,

Your excellency's most humble
and most obedient servant,

A. CRONSTROM.⁷⁸

⁷⁸ Whatever may be thought of these reasons for transferring to Lord Ashley part of the honour of the triple alliance, they cannot be much strengthened by this letter, which is evidently a mere ordinary letter of compliment. Unless some better evidence than this can be produced, Sir William Temple must remain in possession of the credit which every one has hitherto ascribed to him.

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Duke of
York pre-
vails at
court.

From about this time the Duke of York's power in the court was undoubtedly the prevailing one, and perhaps it was so before, though the king would not permit himself to be carried on so precipitately as the duke and Clifford wished to have done. The popish interest was working secretly and in the dark; and the most prudent and effectual way to check and disappoint it, was by countermining it, and cutting off those springs from which it received its nourishment and spirit.

Our historians have said that the whole of King Charles's revenue was dissipated among his favourites and mistresses; but as the king was a secret papist, it is not improbable that part of it was employed in promoting the popish religion; and the following account may show that the revenue of Ireland was diverted into that current.

Misappli-
cation of
the Irish
revenue.

There were great abuses in the management of this revenue. Out of the money appointed for the civil and military establishment, large sums had been applied for other purposes, and particularly for supporting in a private manner the popish interest. This was suspected by a considerable man in Ireland, who, being alarmed at it, thought necessary to communicate his suspicions to some person in England that would have

weight enough to remedy the grievance, and on whose abilities, and zeal for the protestant cause, he might rely. Though unknown to Lord Ashley, he, by means of Lord Conway, acquainted him with it. Lord Ashley procured an immediate and express order for an account of the receipts and disbursements for seven years, ending the 30th of March 1666; and, in the mean time, sent some queries to Lord Conway, to which he desired that proper answers and such farther information as could be obtained might be conveyed to him by a private and trusty messenger.

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Upon receiving the order from England, the accounts were huddled up. Great sums, which had been raised for the year 1667, were anticipated in order to stop the gaps in the accounts of the preceding years; and by these accounts it appeared that, though vast sums had been paid, no reference was made to the establishments by which they had been directed. Large payments also were set down as made on his majesty's letters, the lord lieutenant's orders, concordatums, and impress warrants, without any notice to whom they were paid or on what considerations. Thus the treasury was almost exhausted; and thirteen months' arrears were due to the army, which raised a general discontent among the forces.

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This state of things rendered some of the most considerate men in Ireland very apprehensive for the public; especially as they saw that the native Irish were ready to throw themselves under the government of France. Nay, the Irish had actually sent, about this time, to France an offer to deliver up their country into the hands of the French, upon condition of being assisted with arms, money, and officers. The Duke of Ormond, lord lieutenant, was ignorant of the state of the treasury, and had been kept so; for he had frequently said, "he was in wardship under the vice-treasurer." This, Lord Conway's friend, the author of the observations on the accounts, says, he had often heard the duke declare. The observations are too long to be inserted in this place; but the following letter, which Lord Conway sent with them, is so material that it ought not to be omitted.

"MY LORD,

Lord Conway's letter
to Lord
Ashley.

"IN transmitting these papers to your lordship, which are to give you information upon those I had the honour to receive from you, I am obliged, in the first place, to make my apology for the neglect which seems to lie upon me in the prosecution of your commands; but if your lordship please to remember what you enjoined me, parti-

cularly to send them by a private hand, who met with many delays which the post would have escaped, and that they went from me the 10th of December last, I hope your lordship will excuse me, as well as the noble author of these observations, who despatched them in two days. I doubt not but, as to the substance, your lordship will find them solid, rational, and very satisfactory, though he passes over those smaller things I formerly observed to you, because the payments in the accounts are not made explicit. Your lordship may expect them, and much more to follow. I should have begged your lordship to digest every particular of these observations, and give yourself the trouble of comparing them with the accounts, but that I know your quickness of parts will comprehend that at first sight which others cannot do without labour and pains, nor with it neither; and it is with these as with other mathematical demonstrations, that every line and angle is to be observed, to make up a demonstration.

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“ My assurance of your lordship’s public and generous spirit gives me confidence that you will interest yourself in this affair, both upon account of the king’s service, and for the preservation of the protestants in Ireland; who, we fear,

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are designed to be ruined, and that there is more intended than a private gain. I wish this may be carried on, without doing a particular prejudice to any man. We are now in Ireland full of apprehensions of the French, and find cause to believe, that, to divert our assistance from their enemies, they are creating trouble for us both in Ireland and Scotland. I cannot, with convenience, wait on your lordship till April next; but if I knew that my being there would be serviceable to you, it would hasten me very much.

“I humbly beg to receive a line from your lordship, to be assured of your receipt of these papers; and my next request is, that you would not show them to any man: for, though they are not under the author’s own hand, yet there are some words which are easy to be discerned by those who know him; and I am sure he would not entrust them to any man but your lordship. I wish I had better occasion to serve your lordship, that I might with zeal and fidelity obtain the title I am most ambitious to bear, of,

“ My Lord,

“ Your lordship’s most obedient

“ and most devoted servant,

Ragley, Feb. 28, 1667-8.

“ CONWAY.”

Lord Ashley was zealous for the preservation of Ireland. A great reformation was soon made in the government; the arrears of the army were ordered immediately to be paid; another lord lieutenant (Lord Roberts) was appointed; and a new establishment was soon sent thither, with express orders that no part of the revenue should be applied to other uses than what were expressed in the instructions drawn up at home. By these regulations, and by this speedy and critical inquiry, the protestant interest in Ireland, and very probably that nation itself, were preserved.

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Reformation of the government of Ireland.

The letter from Lord Conway confirms what has been said with regard to the popish interest at court, and the secret workings of that faction in all the dominions of Great Britain; and shows that it had long been working before there was any public appearance of it. It confirms what has been mentioned with respect to France, and her views of embroiling and amusing the court of England, that she might be more at liberty to pursue her conquests in the Netherlands. It coincides with the advice in Lyonne's memorial, and proves how extensively France had laid her projects, and how indefatigable she was in the pursuit of them. It shows, also, that Lord

Remarks on Lord Conway's letter.

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Ashley was esteemed by those who were most acquainted with his actions, and were, therefore, the best judges of his conduct, to be a true and active friend to the protestant and English interest, and a strenuous enemy to the schemes and power of France.

Lord Ashley's manner of advising the king.

Among other methods which Lord Ashley took to draw the king off from his attachment to France, and to keep him steady in the true interest of England, were his constant endeavours to make him acquainted with the state of the nation and the disposition of the people. Though he laid before him his thoughts on all public affairs with great freedom, yet he did it with a becoming respect. He did not deliver his advice in that magisterial way which had been objected to Lord Clarendon, but with that insinuating address which could not but be appreciated by a man who was (as Lord Shaftesbury has said in a character of him) the best bred of the age.⁷⁹

The following excellent paper is a proof that

⁷⁹ That Charles affected an esteem for Shaftesbury is doubtless true; but, in fact, he merely dreaded him as an opponent, and wished to make him one of the tools of his projected French alliance. While he was yet apparently in high favour, Charles told Colbert, that "*le chancelier étoit le plus foible et le plus méchant de tous les hommes.*"

Lord Ashley did lay before the king the state of his affairs in this manner. It is, likewise, an evidence that he was early in his apprehensions of the Romish religion, and in providing against its encroachments; that he continued in the same sentiments he had before expressed with regard to the act of uniformity, when he was for taking off the penalties with regard only to protestant dissenters; that he was for softening the penal laws which had been made in the beginning of the king's reign, and particularly the corporation act; and that he had already digested, in his thoughts, a method of keeping the papists from all employments, civil and military, and which he found means afterwards, in 1672, of carrying into a law. The reader will also observe, that Lord Ashley had the justest notions wherein the prosperity of the trade and the true interest of England must consist; and that he was inflexible in his sentiments and concern for the religious, as well as civil rights of the people.

“MAY IT PLEASE YOUR MAJESTY,

“When I had the honour to wait on your majesty at Windsor, you was pleased to enter into some discourse of the decay of land rents and trade, and the remedies of it; which hath given

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Memorial
containing
his senti-
ments.

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me the confidence to offer your majesty these ensuing considerations of mine on that subject ; and if your majesty shall find in them but half that weight of reason which I am sure they have of honest zeal to your service, I shall not doubt but you will pardon this my address.

“ First. I take it for granted, that the strength and glory of your majesty, and the wealth of your kingdoms, depend not so much on anything as on the multitude of your subjects ; by whose mouths and backs the fruits and commodities of your lands may have a liberal consumption, in proportion to their growth ; and by whose hands both your majesty’s crown may be defended on all occasions, and also the manufactures of both your native and foreign commodities improved ; by which, trade and your majesty’s revenue must necessarily be increased.

“ Secondly. That of late years the lands of your kingdoms have been exceedingly improved, as to the production, by inclosing of wastes and manuring them to tillage and pasture ; and, in the mean time, the number of your majesty’s subjects, by the confluence of many unhappy accidents, has been extremely lessened ; for the late plague and war did (by a reasonable calculation)

sweep away above two hundred and fifty thousand persons more than the usual course of mortality would have done.

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“ Thirdly. A considerable number of your majesty’s subjects are constantly transported to the American plantations for servants, and who transport themselves to those and other parts to enjoy the liberty of their mistaken consciences ; and our products of lands thus increasing, and the persons decreasing who should make the consumption of them, it must necessarily follow that the value of our lands must be reduced to a disability of maintaining the owners and paying your majesty’s necessary aids ; and our manufactures become few, and so costly, that they will not be tendered to foreign markets at such rates as our neighbours can afford them ; whereby the merchant must lose the trade, and your majesty the revenue of it.

“ If this be admitted to be the cause of the decay of rents, then, certainly, the recovery must be by using all rational and just ways and means to invite persons from foreign parts to supply the present defect, and stop the drain that carries away the natives from us.

“ In order whereunto, it is humbly offered to

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your majesty, whether any other expedient whatsoever will be effective to this great and good end without granting that liberty in their religion which every man is fond of; and on what mistakes soever their profession be taken up, whether in point of blind zeal, or in point of reputation, they will hardly recede from it for any consideration, as we find by too sad experience of the many factions which the late unhappy times have made among us, whom no severity of law in the execution thereof can reclaim to the church of England.

“ It seems to me, that the late act against conventicles hath put it out of question that a toleration is lawful; for it tolerates any dissenters from the church of England to worship God after a different manner, provided they do not assemble in a greater number than is limited by the statute, which limit, I suppose, was set on the single consideration of preserving the public peace. If public peace then may be preserved with it, it is not unlawful to remove that pale so far as may do the work of the present design, of retaining those dissenters who are among us, and attracting others from abroad. And that a toleration may be made to consist with the public peace and

tranquillity of the present established government both in church and state, it is humbly proposed,

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“First. That no person whatsoever shall be admitted to bear any office, ecclesiastical, military, or civil, of trust or profit, but such as can, by the legal test, approve themselves conformists to the doctrine and discipline of the church of England.

“Secondly. That no person whatsoever shall enjoy this proposed liberty but such as shall, without the coercion of law, pay all tithes and duties due from him to the church, parish, and poor.

“Thirdly. That all persons, of what separate persuasion soever, who are members of any corporate town, shall be eligible to any corporation office, and required to give legal testimony of their conformity; and, upon their refusal thereof, be declared incapable to execute the office, and shall pay such fine, and undergo such penalties, as a conformist is liable to in case of his refusal of the like office.

“Fourthly. That in regard the laws have determined the principles of the Romish religion to be inconsistent with the safety of your majesty's person and government; and that those fanatics of the fifth monarchy are professed opposers of

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all human government; both of them may be excluded from this proposed liberty.

“And with these limitations and exceptions:

“That all and every other sort of nonconformists may have liberty to assemble, for the exercise of their own manner of worship, in such public places as the nonconformists can procure; and that the doors of the meeting places do stand open to all while they are at their exercise of prayer or teaching.

“These expedients may, as it is humbly conceived, reasonably secure the public peace. But as, without this proposed liberty, our desired number of people will not be obtained, so this alone will not be effectual; because men do and may enjoy it in other places, and therefore they must be invited by other temporal advantages. In order whereunto, it is humbly proposed,

“First. That a general act of naturalization may be passed, with this addition, that all and every artificer or tradesman may freely exercise his art or trade in any part of the kingdom; provided that if they settle themselves in any city or town corporate, where their trades are put under a regulation, they become members of that company which is or shall be erected for the government

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of them; and either by the usual oath or by bond give security for their due observance of the ordinances and by-laws of the society; and that the society be required to admit them for such reasonable fines as the magistrates of the place shall think fit.

“ And as these expedients may probably attract a multitude of merchants, and other people of inferior condition and trades; so there is yet one other, absolutely necessary to the obtaining the accession of men of estates and money, and that is:

“ The making all real estates an infallible security to the purchaser or lender, which is provided for by a public register in most parts of Europe; and if your majesty shall think fit to establish the like here by your authority in parliament, it is humbly conceived that such a method may be proposed as in a few years may put men's estates beyond all scruple of their title, without prejudice to any honest man, and to the general good of all your majesty's subjects: and, no doubt, when such security may be had for the purchaser or lender, we shall need no other attractives to bring from our neighbours in foreign parts a great addition of wealthy families to plant themselves and their posterity among us, when

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they may have a retreat into a well-tempered government, enjoy all the immunities, rights, and privileges of it as natives, together with the liberty of their consciences, and fix themselves in purchases of estates in whose title they cannot be defrauded; and likewise make a greater interest of their money than they can where they now are, on the like security.”⁸⁰

Lord Ashley, by his engaging address and vivacity in conversation, was highly agreeable to the king, who became hereby more readily disposed to confide in the solidity of his judgment. Of this Charles gave a remarkable proof at the meeting of parliament in February 1667-8. He then spoke in a different tone from what he had done before; by which it appeared that Lord Ashley’s remonstrances had made some impression on him; for, after acquainting the two houses with the triple alliance, he added,* “One thing

The king’s
declaration
to parliament.

* Lords’ Journals.

⁸⁰ Thus long ago was the necessity of a general registry pointed out: but Lord Ashley had not taken into consideration that natural and very pardonable pride which induces our aristocracy to suffer any inconvenience rather than expose the incumbrances which extravagance or family settlements have imposed upon their estates.

more I hold myself obliged to recommend to you at this present; which is, that you would seriously think of some course to beget a better union and composure in the minds of my protestant subjects in matters of religion, whereby they may be induced, not only to submit quietly to the government, but also cheerfully give their assistance to the support of it."

A. D.
1667-8.

The commons, however, persevered in their animosity against the dissenters; and, as the act against conventicles had been only temporary, and was lately expired, they passed a bill, and sent it up to the lords, April the 28th, 1668, intitled, "An act for the continuance of a former act to prevent and suppress seditious conventicles;" and, on the 4th of May following, they sent a message to the lords to put them in mind of it: but, as the penal laws concerning religion had lost their great advocate in the Earl of Clarendon, this bill was dropped in the house of lords.

Bigotry of
the com-
mons
against the
dissenters.

A.D. 1668.

Lord Ashley thought that a knowledge of trade was an essential qualification in a statesman, and the protection and advancement of it one of his principal duties. He omitted, therefore, no opportunities of representing to the king its

Lord Ash-
ley's repre-
sentations
to the king
concerning
trade.

A.D. 1668. great importance. Charles had an inquisitive mind after knowledge where his pleasures did not interfere. Lord Ashley showed him that the interest of commerce, though formerly neglected, was become an express affair of state with France, as well as with Holland and Sweden: that France began to find trade of more consequence towards advancing her power than any army or territory though ever so great, as it drew such wealth along with it, and gained such force at sea by shipping; and, therefore, since the advantages of commerce were so well understood by our neighbours, it required more attention in our government: that commerce, as an affair of state, was widely different from the mercantile part; this consisting principally in the knowledge of what goods are fittest to be exported from one place to another, and what commodities are most convenient to make returns in, and the nature and course of exchange; but that trade, as a point of policy and government, consisted of many articles:

In countenancing our merchants abroad, as the proper stewards or purveyors of the public stock, wealth, and interest of the nation:

In asserting those privileges, immunities, freedoms, and exemptions of any kind, which, by the wisdom and vigilance of any former age, have been gained or capitulated for : A.D. 1668.

In taking care of the just dealings of our merchants abroad, that the manufactures exported be without fraud, merchantable, and good ; that the credit of them may be as current as our coin :

In endeavouring, as much as possible, to exonerate our own commodities of and from all such taxes and impositions abroad as are discouraging to the trade of them ; and in watching, and vigorously opposing, any new tax to be laid on them, different either from ancient custom, or from the articles of commerce in force between any respective State and England :

In considering how and by what means we may, with most prudence, discourage and prevent any manufactures of our neighbours which may be a prejudice to England ; especially, if any part of those manufactures be dependent upon us, or upon any neighbouring state or prince in amity with us :

In considering how to increase our own manufactures, and how to invite or reward the bring-

A.D. 1668. ing in or inventing of others ; particularly such as are most necessary for us, or with which we may supply our neighbours :

In keeping a vigilant and constant correspondence abroad for carrying on the aforesaid ends :

Lastly. In giving all encouragement to the promoting of our fishery and advancing our plantations, the increase of our shipping and multiplying our seamen.

He told the king, that many of these things did not lie within the prospect of the merchant, much less within his power, care, or consideration ; and, therefore, (the distinction being made between the magistrate's and the merchant's duty,) he proposed that, instead of a committee of the privy council, a select council might be established, whose employment should be to take care of the welfare of our colonies, and the trade and navigation of the kingdom ; to receive and consider all propositions offered them for the benefit and improvement of commerce and navigation ; and to present their opinion and advice upon the same to the king : that the council should consist of such gentlemen as would be more concerned in the generality of the trade of the nation, and the right management of it, than

in the profit of any particular trade, which might possibly have too much sway with private merchants: that their commission should be probationary, and that the powers of it should not be continued above twelve months; by which the members might know, that unless they gave some evidence of their regard to the commission, and of their prosecuting with diligence the design of the trust, they must not expect to be continued. He drew up many regulations for this council, and delivered to the king a list * of the persons whom he thought best qualified for being members of it. Accordingly, from these persons a choice was made of a president, vice-president, and nine other counsellors. Lord Ashley's friend, the Earl of Sandwich, was appointed president, with a salary of eight hundred pounds; the vice-president had six hundred pounds; and the others five hundred pounds each. The commissions were renewed from year to year, and the Earl of Sandwich continued president.

A.D. 1668.

Council of
trade ap-
pointed.

The French ambassador, about this time, delivered a memorial to the king, signed by several French merchants, complaining that the custom-

Memorial
of French
merchants.

* The list, with the aforesaid reasons, is still remaining among his papers.

A.D. 1668. house officers entered their houses, and seized their silks and other goods for want of having paid duties at their importation; and that the officers were countenanced and protected in their conduct by Lord Ashley, chancellor of the exchequer. The merchants insisted that, when the goods were once lodged in their houses, they should be privileged from a search or seizure; but, this being contrary to the laws, such a partiality could not be openly showed them. The memorial, therefore, had no effect to the prejudice of Lord Ashley. Whatever secret offence his conduct might give to the English court, it durst not openly blame him for enforcing the laws; especially as the French fashions were becoming very prevalent, to the great expense of the nation, the increase of luxury, and the prejudice of our manufactures.

A.D. 1669. It may not be improper here to relate a circumstance which shows how far Lord Ashley was from imitating the French customs. In this year Cosmo de Medici, the Prince of Tuscany, came into England. He was received with all possible marks of distinction, and entertained by the principal nobility, particularly those who belonged to the court. As many of them were

Lord Ashley's manner of entertaining the Prince of Tuscany.

great admirers of the French taste, as well as A.D. 1669. friends to the interest of France, they had, with the servile maxims of that country, imbibed its luxury; and this especially appeared in their tables. When Lord Ashley invited the prince, he gave him a splendid, but a truly English entertainment. His dinner was dressed entirely in the English manner, and he told his highness that he would not trouble him with any apologies: others might treat him like a Frenchman, his desire was to entertain him like an Englishman. The prince politely answered, "it was the greatest compliment he could make him;" * and, after he returned into Italy, he sent Lord Ashley, every year, a present of wine, as a testimony of his regard.

In the session of parliament at the latter end of the year 1669, Lord Ashley moved the house of lords to take into consideration the reasons and grounds of the fall of rents and decay of trade; the points upon which he had before delivered

Committee of lords on the state of rents and trade.

* The prince was so well pleased, that he desired Lord Ashley to give him the bill of fare, which he kept by him so long, that, when the late Lord Shaftesbury was at Florence in 1711, and Mr. Molesworth, the British minister there, went to make an excuse for his not going to court, through his ill state of health, the prince, who was then Great Duke, showed it to Mr. Molesworth, and told him the story.

A.D. 1669. his sentiments to the king. A committee, of which he was one, was immediately appointed for that purpose. After several meetings they made a report, by the Earl of Essex, who had entered into a firm friendship with Lord Ashley, that they thought the three following things advisable :

“ That the interest of money should be reduced from six to four per cent. :

“ That a bill of registers should be brought in :

“ And a bill of general naturalization.”

The two last resolutions were readily agreed to; but the first being strongly debated, Lord Ashley and three other lords were appointed to make choice of some of the ablest persons they knew, to give their opinions thereon before a committee of the whole house. The committee, after the hearing, were likewise for the reduction, but the house did not agree to the report.⁸¹

⁸¹ As the proceedings of this committee do not appear in detail upon the Lords' Journals, this account is probably taken from the earl's private memoranda.

The increased intelligence of the present age has recognised the wisdom of the lords in rejecting the proposed enactment with regard to usury. There is now scarcely a difference of opinion among thinking men as to the impolicy of attempting any legislative interference with money transactions. The

The Earl of Essex made a subsequent report, A.D. 1669.
 from the committee appointed to consider of the reasons of the decay of trade, "that it was their opinion that some ease and relaxation in ecclesiastical matters would be a means of improving the trade of the nation;" but, two days afterwards, on the 11th of December, the parliament was prorogued.

When the parliament met again, on the 14th of February, the house of commons, to prevent any steps being taken to relax the laws in ecclesiastical matters, soon passed and sent up to the lords another bill to suppress seditious conventicles. This was debated by the lords for several days in committees of the whole house; and in one of these, on the 21st of March 1669, the king going unexpectedly into the house, the house was resumed, till he told them, "he was come to renew a custom of his predecessors, long discontinued, to be present at debates, but not to inter-

A. D.
1669-70.
New act
against se-
ditionous con-
venticles.

absurdity of pretending to lower the rate of interest by placing an additional risk upon the sum lent, has been frequently exposed. The usury laws have been recently much broken in upon, and would doubtless have been long since repealed, but the legal rate of interest has been for some time so much above the ordinary value of money, that, being seldom called into use, the harm they do is less conspicuous.

A. D.
1669-70.

rupt the freedom thereof;” * and, therefore, he desired the lords to sit down, and put on their hats: and from that time the king, as appears by the journals, was almost daily in the house, and sat in his chair of state. The bill against conventicles (probably by the influence of the king’s presence) passed for a year; but when it was sent up to the lords the next sessions, it never obtained a second reading. Nay, a motion was made for rejecting it, but this was prevented by the previous question.

The lords, at that time, were accustomed, as they always had been, to sit regularly in their seats, which undoubtedly added weight to their proceedings; but, soon after, they broke through this decorum so far, that the king himself † took notice of it, and desired the lords would, for the future, continue in their places, and not run about and join in conversation during debates; which he thought unbecoming the decency and dignity of the house.

Increase of
the Duke of
York’s in-
fluence.

The Duke of York’s influence daily increasing, his favourites, who were all of his own religion, were the chief persons promoted. “He had so powerful a party at court, and so many creatures

* Lords’ Journals.

† Ibid.

about the king's person, that he was in a manner A.D. 1670. absolute there, and directed the resolutions of the council. Sir Thomas Clifford was the chief person in the duke's confidence, and was entrusted with the most secret designs of the court.* When he made the declaration before mentioned, "that we must have another war with the Dutch," he spoke the sentiments and resolutions of the Duke of York and the popish faction, who now began to be more open in their proceedings, though from the very time of the Restoration they had been engaged in the same pursuit.

* Rapin.

CHAPTER X.

[Intrigues with France.—The two Secret Treaties.—Corruption of the members of the Cabal Administration.] · Temper of the Court.—Account of the Cabal.—Lord Ashley's advice to the King.—Discovers the King's conversion to Popery.—Lord Rochester.—Proceedings of the Parliament.—Shutting up of the Exchequer opposed by Lord Ashley.—His reasons against it, and letter to Mr. Locke.—Declaration of Indulgence.—War declared against the Dutch.

A.D. 1670. [THAT disgraceful intrigue was now darkly progressing, which has rendered the reign of Charles the Second the most inglorious in our annals. Even before the triple alliance, Charles, as appears from a letter from Rouvigny to Louis, published by Sir John Dalrymple, had solicited a private treaty with France. The attempt was now renewed with more success. James the Second, in his autobiography printed in the Macpherson papers, describes it thus: "The Duke (himself) speaks of religion to the king, and finds him resolved to be a catholic. The king appoints

a private meeting with Lord Arundel, Lord Arlington, and Sir Thomas Clifford, at the duke's closet, to advise on the methods to advance the catholic religion in his kingdoms. They met on 25th of January (1669). The king declared his mind in matters of religion with great zeal to the duke and other three persons at this private meeting. The result of the consultation was, that the work should be done in conjunction with France. The Lord Arundel was accordingly sent to treat with the French king; and the treaty was concluded the beginning of the year 1670. The French king was to give two hundred thousand pounds a year. The Duke of Buckingham seeks to support himself by favour of Madame, with whom he manages a treaty with France. He sent over Sir Ellis Leighton to treat with her. Neither the duke nor Arlington knew anything of this treaty. The duke, after Leighton's return, had an account of it from himself.

“ In the mean time, the king kept the secret of his agreement with France, and suffered a mock treaty to go on that he might the better cover the real one; of which neither Madame nor the Duke of Buckingham had the least knowledge. Buckingham's chief drift was to keep himself at the

A.D. 1670. head of the ministry. This management of the mock treaty was kept a secret to the Duke of York and Arlington."*

Sir John Dalrymple has printed this secret treaty from the draft in the dépôt at Versailles. Charles was to have two hundred thousand pounds for declaring himself a catholic, and an annual subsidy of eight hundred thousand pounds during the projected Dutch war; and as the fulfilment of the articles would naturally excite the opposition of his subjects, Louis engaged to assist him with all his forces "till the rebellion should be ended."†

The infamy of this transaction attaches exclusively to Charles, the Duke of York, and Lord Arlington; but the subsequent conduct of Buckingham, Lauderdale, and Ashley was scarcely less criminal. The mock treaty, spoken of by James, was a contrivance by which Charles proposed to obtain the support of those of his ministers whom he could not induce to join him in his designs for the introduction of the catholic religion, for all the articles of the treaty which did not involve that object. The result showed that he had not over-estimated their compliance. The original

* Macpherson, vol. i. p. 51.

† Dalrymple, p. 54.

conspirators were delighted by a proposition from A.D. 1670. Buckingham that he should be sent into France to try to bring about an alliance between the French and English courts. The offer was immediately accepted, and the duke communicated his design to Lords Lauderdale and Ashley; the former agreed to it, but Ashley asked time to consider.

Lord Ashley's scruples do not seem to have been very obstinate. A very few days after Buckingham's first proposition, we find Colbert writing to his master, that Buckingham had the direction of Ashley Cooper, who had been raised by him; and immediately afterwards the duke departed on his embassy. Upon his return, Lauderdale, Ashley, and the Duke of York were appointed commissioners for conducting this *traité simulé*, as it is styled by Colbert. The treaty now concluded differed from the first only by the omission of the clause by which Charles had engaged to declare himself a catholic, and the transfer of the price of his conversion to the first year's subsidy for the Dutch war. The interest and honour of the country, and the security of her institutions, were as unhesitatingly sacrificed by these commissioners as they had been by

A.D. 1670. Charles himself. Nothing was respected but the established religion, and the characters of the parties sufficiently testify, that in this reservation they were actuated by policy rather than principle.

There is but one redeeming circumstance in Lord Ashley's conduct upon this occasion. We may infer from the circumstance of an act having passed, during this year, to enable his son, who was not yet of age, to levy fines and suffer recoveries of certain entailed estates, that his circumstances were somewhat embarrassed ; yet he alone, of all those concerned in the negotiation of these treaties, stands acquitted of having been corrupted with French gold. Arlington obtained a pension of ten thousand crowns ; and Buckingham hinted that he expected two hundred thousand pounds. The commissioners of the first treaty received proportionate gratifications, although the amount is not stated ; and in every instance the money was paid and received with the sanction of Charles.

The golden shower fell even upon the wives and mistresses of the conspirators. The Duke of Buckingham was governed by the Countess of Shrewsbury, who had inspired in him a moment-

ary fit of courage of which his contemporaries A.D. 1670. thought him incapable. It is said, that when the earl her husband discovered the intrigue, which she was carrying on with Buckingham, and called the duke to account, the countess, disguised as a page, was present at the combat, and held her paramour's horse.⁸² The earl fell, and the duke sought the widow's embraces while yet literally stained with the blood of her husband.⁸³

This paragon of feminine tenderness now received a pension of ten thousand livres, and promised in return to make Buckingham comply with King Charles in all things.

It is true, that among this mass of corruption we find Ashley included as one who was to receive a present; that is to say, was to be offered one: but Colbert appears pretty accurate in detailing to his master every disbursement he had made in this manner; and as we nowhere again find any mention of Lord Ashley in this disgraceful catalogue, we may fairly infer that the money, if offered, was refused.

⁸² Walpole's Royal and Noble Authors.

⁸³ But there is some doubt thrown upon this story, so current at the time, by a MS. note of Sir W. Musgrave, in a copy of Count De Grammont's Memoirs, preserved in the British Museum.

A.D. 1670. The value of James the Second's testimony, or rather, perhaps, of that of the person who compiled his life, (see Fox's History of the early part of the reign of James II. p. xxvi.) may be estimated by his declaration, that he and Arlington knew nothing of this second treaty.]

The king's
arbitrary
schemes.

It is evident, from all our writers, that the two favourite points with the court were the establishment of an arbitrary power in the crown, and the introduction of popery. The king was zealous for the first, and inclined towards the last: the Duke of York was earnest for both; and, as his zeal and industry supplied the want of capacity, the king, from his natural indolence, trusted his brother chiefly with the management of these points, by which means he was himself left more at liberty to follow his pleasures, and was screened from the resentment of the nation.

The scheme of arbitrary power was formed from the politics of France, carried on by her instructions, and supported by her interest. From

According to the fashion of that age, the seconds fought as well as the principals; and there were six combatants upon the ground. The duke was attended by Sir Robert Holmes and Captain Jenkins, and the earl by Sir John Talbot and Mr Bernard Howard. The countess afterwards married a Mr. Bridges.

her were introduced those two engines of power, A.D. 1670. luxury and corruption, which mutually support and increase each other. Though luxury is always represented as the mother of corruption, this as naturally tends to the improvement of luxury, which, beginning with the higher ranks of mankind, soon spreads, by the prevalence of example, through the body of the people. Each is sufficient to poison the best constitution; but where they co-operate, their influence is as irresistible as it is fatal. To promote the scheme more effectually, the protestants were divided at home and weakened abroad; the church was armed with power against the dissenters, and the dissenters were afterwards indulged only with a view to widen the breach; while every act which enlarged this breach added strength to the crown. In imitation of the French court, the king, soon after the Restoration, throwing off his confidence in the people, established a large body of guards, and raised a great army in Scotland. The interest of France was supported abroad, in return for her assistance to the designs of the court of England. With the same view, the first Dutch war, in 1664, was entered into; as was likewise the second, in

A.D. 1670. 1672. The last has generally been most exclaimed against; but they had both of them the same tendency, and were owing to the same counsels.

The Cabal. The whole management of affairs has been generally represented as centering in the five following persons, Clifford, Arlington, Buckingham, Ashley, and Lauderdale; the initial letters of whose names forming the technical word Cabal, it is probable that the wit, which was thought to be in this conceit, gave birth to the opinion. Nothing can be more evident than that the Duke of York had the greatest, if not the only influence in council; and it should seem that the Duke of Ormond must have had some share in the conduct of affairs: for when the Duke of Buckingham was, three years* afterwards, examined before the house of commons, and was asked by the speaker "which of the ministry had got any great sums of money," he only mentioned the Duke of Ormond and Lord Arlington, and said of the first, it was upon record that he had got five hundred thousand pounds.

The common opinion of it erroneous.

It will appear, that the members of the com-

* January 14, 1673.

mittee for foreign affairs, which has been commonly called the cabinet council, were far from acting in perfect harmony; that Lord Ashley was not acquainted with all their secrets, and that he opposed many of their designs. Nay, at the very time in which the cabal is said to have been formed, the Duke of Buckingham and Lord Arlington were declared enemies, and were endeavouring to ruin each other. Bishop Burnet allows that, in the latter end of the year 1668, they fell out; and Lord Ashley, in a letter to his intimate friend Sir William Morrice, who had lately resigned the office of secretary of state, hints at their disunion in the following words: "The Lapland knots are untied, and we are in horrid storms: those that hunted together, now hunt one another; but, at horse-play, the master of the horse must have the better.*"

On the 19th of May 1670, the Duchess of Orleans, King Charles's sister, came into England, and was met by the king at Dover. There a stricter union was settled between the crowns

Duchess of
Orleans's
visit.

* As the Duke of Buckingham was at that time master of the horse, it is plain that Lord Ashley alluded to the enmity between the duke and Lord Arlington, who had been declared enemies of the Earl of Clarendon.

A.D. 1670. of England and France. A treaty was formed for the breach of the triple alliance, and for declaring war against the Dutch; and, to draw King Charles more readily into the snare, the French king engaged to assist him with fifty thousand men, whenever they should be demanded, for advancing his schemes in favour of popery and arbitrary power at home.

This treaty, which was so threatening to the liberties of England, and, indeed, of Europe, proved more immediately fatal to the duchess of Orleans herself; for, upon her return to the French court, she was poisoned, as it was thought, in consequence of the jealousy of her husband, and expired soon after in great torments.

Duke of
Buckingham's em-
bassy to
France.

The Duke of Buckingham, who had hitherto acted in concert with Lord Ashley, was sent over to the court of France with a compliment of condolence on the death of the duchess. As he was always unsteady in his conduct, he was soon lost in the pleasures, and dazzled with the honours with which the French court distinguished him; went without reserve into its interest; and concluded the treaty with France which had been entered into at Dover. Lord Ashley, who was fearful of the duke's conduct,

and apprehensive of the design of his going, which was kept secret, wrote him a letter* immediately after his arrival in France; in which he conjured him to remember England, and not to negotiate a peace with France, as he valued his honour, his head, and the English nation.

A.D. 1670.

Lord Ashley's advice to him.

Lord Ashley, with the same openness, acquainted the king that he found such a treaty was in agitation. He represented the fatal consequences of it, and laid before him the great advantages of the triple alliance, the honour which he had gained by it in the nation and in most parts of Europe; it being looked upon as the best security against the power of France. The king owned that such a treaty was on foot, and at the same time declared he was determined not to recede from it. When, therefore, Lord Ashley found that he could not prevail to break the treaty, he endeavoured to persuade the king to make it as consistent as possible with the interest of England.

Lord Ashley's representations to the king.

He was always apprehensive of the French growing powerful at sea, and in particular was fearful of their fleets being acquainted with our

* This letter Mr. Stringer says he transcribed for Lord Ashley into characters.

A.D. 1670. seas and harbours, and of their sailors being trained up and disciplined in a manner under ours. He represented to the king the danger of this, and so far succeeded, that a peremptory instruction was sent to the Duke of Buckingham to give up the treaty if the French should insist on sending a fleet to our assistance against the Dutch: but this, perhaps, was only to amuse Lord Ashley, and free the king from the uneasiness of hearing counsel which he disliked; for that point was soon yielded to the French.

Lord Ashley was, likewise, at that time, and afterwards, very earnest with the king to take the advice of his parliament before he entered into a second war with Holland, but could not succeed.⁸⁴ This was then so well known, that, when the Duke of Buckingham, on the

⁸⁴ It is singular that the authors of this work, with the papers of Dalrymple before them, have taken no notice of the first secret treaty, nor of Lord Ashley's formal appointment as commissioner in the negotiation of the second.

Charles, having satisfied his immediate necessities, was now in no hurry to embark in so desperate an undertaking as the introduction of the catholic religion. After numerous delays and evasions, the French court perceived that, if he had ever entertained any serious intention of declaring his conversion, he had abandoned it, and they ceased to importune him upon the subject.

14th of January 1673-4, was examined before A.D. 1670. the house of commons, he thought he could not justify himself in a better manner than by saying he had joined in the same advice with Lord Shaftesbury.*

Soon after the treaty with France was concluded, the court appeared more openly in favour of the papists. Many of their priests came over, and were very assiduous in making converts; the number of whom increased every day. The queen and the Duke of York publicly supported them, but the king kept himself somewhat more reserved.

Papists
openly fa-
voured.

* The duke spoke as follows: "My Lord Shaftesbury and myself advised not to begin the war without the advice of the parliament and the affections of the people. This was my Lord Shaftesbury's opinion and mine, but not my Lord Arlington's. Then it was my Lord Shaftesbury's advice and mine, so to order the war as that the French should deliver some towns of their conquests into our hands; an useful precaution in former times. My Lord Arlington would have no towns at all for one year; and here is the cause of the condition of our affairs: we

set out a fleet with intentions to land men in order to the taking of towns; the French army go on conquering and get all, and we get nothing, nor agree for anything."

The duke, after his speech, had several questions proposed to him by the speaker. The eleventh was, "By what counsel was the war begun without the parliament, and thereupon the parliament prorogued?" The duke's answer to this was, "My Lord Shaftesbury and I were for advising with the parliament, and averse to the prorogation."

A.D. 1670.

Lord Ashley discovers the king's religion.

About this time, as Lord Ashley, one day, accompanied by Mr. Stringer, was going to the treasury chamber at Whitehall, a messenger met him in the court, and said that the king desired to speak with him at Lord Arlington's lodgings. Upon his arrival there, he found that the king had dined in company with the Duke of Buckingham, the Duke of Ormond, and Lord Clifford, who all had drunk very freely. The king was desirous of Lord Ashley's company, as his knowledge and vivacity in conversation rendered him always entertaining. Lord Ashley thought this a proper opportunity (the king being heated with wine) to find out what he had for some time suspected—whether Charles was inclined to popery: he, therefore, engaged farther in the debauch than he was used to do, and artfully introduced discourse and debates about religion. His design succeeded, for he discovered the king's sentiments; and, the next morning, expressed to Mr. Stringer his trouble at the black cloud which, he said, was gathering over England. He declared, however, that he was determined to perform his part to prevent the impending danger.

Not long after, the Duke of Buckingham, who,

by means of the Countess of Shrewsbury, had seen the king at his devotion in the queen's oratory, acquainted Lord Ashley with it, adding, that the torrent could not be resisted; and, therefore, endeavoured to persuade him to submit, rather than stand against a flood which must overwhelm him. Lord Ashley desired the duke to consider what a dishonour it would be for one who had professed the protestant religion to change it, whether from fear, or from worse principles, for idolatry and superstition. He told him farther, that if he lived in Spain, and had there an opportunity of changing popery into the reformed religion, he should not endeavour it any other way than by bringing the people into it gradually; because a sudden alteration must produce the greatest confusions: much less should he consent in England to change that which he was satisfied was the true religion, and the best calculated to support the civil rights of mankind, for a religion which, in every instance, was as destructive of these rights as it was false in itself; nor did he doubt but that such an alteration would unite the people so closely, that their weight must sink the greatest men who should attempt it: that he was determined to end his life

A.D. 1670.

His conversation with the Duke of Buckingham,

A.D. 1670. in the protestant religion ; and, if his grace would heartily join with him, and be steady in the support of it, he should make no question of bringing the king back from the fatal path into which he had entered. The duke, who was warm in everything at the beginning, but had no principle of steadiness, went out of the room, and returned several times, starting so many doubts, that, at last, Lord Ashley fell into some heat with him, and so they parted.

and with
the Earl of
Lauder-
dale.

The Earl of Lauderdale, likewise, informed Lord Ashley of the same ; and urged to him the discouragement under which any of the king's servants must act who should thwart him in point of popery : but whether Lord Lauderdale did this from his own bias in favour of arbitrary power, or was set on to bring Lord Ashley into the designs of the court, did not appear. As Lord Ashley thought him firmly attached to the protestant religion, he expatiated * upon the happiness and benefits of it, and laid before him the dreadful consequences which must attend any attempt to overturn it : but the Earl of Lauderdale had concerted his measures with the popish junto and with the Countess of Dysart, from

* Mr. Stringer.

whom he had received his information, and whom he afterwards married. He desired, therefore, Lord Ashley to be passive at least ; but when he found he could not prevail, he left him abruptly, saying, " Well, my lord, you may do as you please:" and though he did not become a proselyte to the Romish religion, yet his attachment to the court carried him into all its measures, however arbitrary, unjust, and oppressive, and however hurtful to the protestant interest.

A.D. 1670.

Lord Ashley could not now depend on the assistance of any in the council, except Prince Rupert, who was always hearty for the protestant cause, and Mr. Coventry, who was made secretary of state in the room of Sir John Trevor. He did, notwithstanding, upon all occasions oppose the counsels which prevailed ; and set forth their dangerous tendency with such strength and force of reason, that the rest of the junto could not inspire the king with courage enough to put them so boldly in execution as the duke and his friends desired.

Lord Ashley's conduct in council.

In his zeal to make converts to the principles he himself advocated, Lord Ashley applied himself to gain the confidence of many of the young nobility ; and if his advice was not always suc-

His advice to the young nobility.

A.D. 1670. cessful, his politeness preserved it from being offensive. Among other persons, he addressed himself to the Earl of Rochester, whose talents might have rendered him an ornament of his country. He represented to him, that a misapplication of his powers was an injury to the public; and that his course of life would be the ruin of his fortune, health, and reputation. Lord Rochester frankly replied, "My lord, it is true, and I am obliged to you; but I have really no other way of making my interest at court."

Lord Ashley's application to the princes of Germany.

Lord Ashley had penetrated the whole design of the French king, who would be the only gainer by the late treaty. He saw, likewise, that his master, King Charles, was going to act a part dishonourable to himself and fatal to Europe. When, therefore, he had done his duty, as a subject and a counsellor, in dissuading the king from concluding the treaty, and in endeavouring afterwards to make it more advantageous, he carried his views farther; and found means to apprise several princes abroad of it, and of the danger which it threatened. This information he gave, in particular, to the Elector of Brandenburg, the Duke of Saxony, and other protestant princes of the empire. He represented to them the neces-

sity of their uniting against the power and ambition of France; and he showed them that the French king's intentions were not limited to the overrunning of Holland and Flanders, but were plainly to bring all Europe under his subjection, and to extirpate the protestant religion. A.D. 1670.

These princes were well acquainted with the character and abilities of Lord Ashley. The Elector of Brandenburg knew that he had the principal hand in forming a treaty between King Charles and himself soon after the Restoration. They all had reason to believe that Lord Ashley had a perfect knowledge of the designs of the French and English courts: they were alarmed at the intelligence which he sent them; and soon after engaged the emperor, and other states of the empire, to enter into a league of common defence. Having, likewise, negotiated an alliance with Holland and Spain, who were to supply them with money, a powerful army was formed in Germany, by which the French king was checked in the progress of his conquests, and his affairs were so entangled, that he could not assist King Charles with the fifty thousand men which he was engaged to do by the treaty at Dover. Lord Ashley did not stop here: he took

A.D. 1670. another method to obstruct the measures of the court, to prevent a war with the Dutch, and to render the treaty ineffectual; of which the journals of the house of lords produce the following proof. *

Meeting of
parliament.

When the parliament met, on the 24th of October, the lord keeper, by the king's command, displayed the honour and advantages of the triple alliance; and he took notice, "that since the beginning of the last Dutch war, the French had increased the number and greatness of their ships so much, that their strength by sea was thrice as much as it was before; and that, since the end of it, the Dutch had been very diligent also in augmenting their fleets: and in this conjuncture, when our neighbours armed so potently, even common prudence required that his majesty should make some suitable preparations, that he might, at least, keep pace with his neighbours, if not outgo them in number and strength of shipping; for that, this being an island, both our safety, our trade, and our being, depended upon our forces at sea."

The two houses addressed the king, that the

* The articles relating to this affair are among Lord Shaftesbury's papers.

speech delivered by the keeper might be printed A.D. 1670. along with his majesty's: but it was not done; perhaps, because the court was unwilling to expose the fallaciousness of it to the public, or to be bound down to act even on the defensive against France.

Though the greatness of France was used as an argument for getting a larger supply, it is certain that the English court had entered into a firm union with her, and had mutually and privately resolved upon a war against the Dutch. The parliament, not penetrating the design, was intent upon raising such a sum as should answer the exigencies represented. In order to this, a bill passed through the house of commons, for "an additional imposition on several foreign commodities, and for the encouragement of several commodities and manufactures of this kingdom." By this, among other things, a tax was to be laid on Bill for taxing sugar. sugars imported, and a grant of the tax, which, as it was computed, would amount to near one million two hundred thousand pounds a-year, was made to the king for nine years.

Lord Ashley, who knew the secret intentions of the court, endeavoured to defeat by art what he could not prevent by his advice. He engaged,

A.D. 1670. therefore, a friend of his, Sir Peter Colleton, to procure a petition from the planters of Barbadoes to the house of lords, for an abatement of the tax upon their chief commodity. They petitioned accordingly, and represented that the sugars would hardly yield so much to the planters as by the bill they should be obliged to pay to the king. The bill was referred to a committee, in which Lord Ashley was the chairman, and a very active one.

Petition to
the lords
against it.

A.D. 1671. He made a report* to the house on the 8th of April 1671, that, having heard merchants and other persons concerned, the committee had made some alterations and amendments in the bill; and, among others, one was for reducing the tax upon sugars, to which the house agreed. The commons resented the lords' intermeddling with any bill for raising money; and the lords unanimously resolved to insist on their privilege of abating any impositions, though they did not begin them.

Report of
the com-
mittee
upon it.

Dispute
between the
houses.

Many conferences passed between the houses; and the disputes were carried to such an height, that, on the 22nd of April, the king prorogued the parliament to the 16th of April in the next year; and thus this supply was lost, which was intended

* Lords' Journals.

as a fund to begin the war. Lord Ashley thought A.D. 1671. that the court would not venture to engage in one without a proper supply, or the sanction of parliament; and he knew that the parliament would not readily enter into a war which was so generally repugnant to the sense of the nation.

When Lord Ashley made the foregoing report, he likewise reported an opinion of the committee that an address should be presented to the king, that he would be pleased to encourage, by his example, the constant wearing of the manufactures of his own kingdom, and to discountenance such persons, men or women, in court, as should wear any manufactures made in foreign countries; to which the lords agreed, and, at a conference, desired the commons would join therein. Lord Ashley thus endeavoured to restrain and prevent, under the sense and influence of parliament, that expensive luxury in apparel which had been introduced from France, and which was becoming an epidemical evil. The house of commons joined with the lords in the address; to which, some time afterwards, (the day the parliament was prorogued,) the king gave an answer,* “that he had, in his own person, as little used foreign manufactures as

Address in
favour of
English
manufac-
tures.

* Lords' Journals.

A.D. 1671. any; that he would speak to the queen, and women about the court; and would comply with their desire in discountenancing such persons as should wear foreign commodities." This answer showed that he was not perfectly pleased with the address, and undoubtedly it was disagreeable to the French faction in the court.

Parliament
prorogued
contrary to
Lord Ash-
ley's advice.

As by these steps it appeared that Lord Ashley was not in the confidence of the ruling party at court, the prorogation of the parliament was another proof of it; for this was contrary to his advice,* as was the treaty with France. The prorogation was from April the 22nd, 1671, to the 16th of April 1672, and afterwards, at several times, to the 4th of February 1672-3; so that it continued a year and nine months. This long recess was designed to gain time for entering into the war with Holland, and that the blow might be struck before the parliament could take any measures to prevent it.

The junto imputed the loss of the subsidy bill to Lord Ashley,⁸⁵ and represented him to the

* This appears by the answer of the Duke of Buckingham to the eleventh question proposed to him in the house of commons.

⁸⁵ But not to him alone. When Buckingham soon afterwards

king as very troublesome to them in their transactions. To pursue, however, more effectually the designs of the French treaty, a method was found out to supply the loss of that bill; which was, by putting a stop to the payments out of the exchequer, and securing all the money that had been advanced upon the credit of any funds. This transaction was owing to the same counsels that promoted the war, and was calculated for the same destructive purposes.

A.D. 1671.

Shutting up
the exche-
quer,

The declaration for this stop, to which the great seal was affixed by the Lord Keeper Bridgeman, was published January the 2nd, 1671-2. The fatal consequences attending this infamous act of power are too well known to be

cômplained to the king of the loss of a command that had been promised him, "the king told him, after having heard him peaceably, that he saw well he had forgot the millions he had been the cause of his losing in the last session of parliament, and that, though the affection he had for him had blotted out this offence, he could not help sensibly feeling the effects of it."—*Dalrymple*.

The new ministers quickly found an alteration in the manners of their master now that he had induced them to join with him in his guilt. The secret treaty Charles thought had bound them as his slaves, and he now began to threaten them when they hesitated to fulfil his commands. Both Buckingham and Ashley were severely chidden upon this occasion, and they endured the reprimand with exemplary meekness.—*Ibid*.

A.D. 1671. mentioned here; but, as some writers have boldly and without authority asserted that Lord Ashley was the author of the advice, it will be necessary to enlarge upon the subject, and to show that he was not only innocent of the charge, but an enemy to the transaction.

not advised
by Lord
Ashley.

Sir William Temple does not even surmise his being accessory to it; for, in a letter to his brother, Sir John Temple, dated May the 23rd, 1672, he writes,* “The counsel of stopping the exchequer was carried so secret, that I do not hear of any man at court that had warning enough to call in his money out of the banker’s hands, till Sir Thomas Clifford proposed the thing in council, without other circumstances than saying that it was necessary; the king must have money for the war with Holland; that he knew no other way but this; and desired none would speak against it without proposing some better and easier way.”⁸⁶

* Temple’s Memoirs, vol. ii. fol. 311.

⁸⁶ Hume, therefore, is wrong when, speaking of this affair, he says, “The king had declared that the staff of treasurer was ready for any one that could find an expedient for supplying the present necessities. Shaftesbury dropped a hint to Clifford, which the latter immediately seized and carried to the king,

Sir Thomas Clifford had made the same proposal, in council, the Midsummer before; at which time Lord Ashley opposed it, and with so much vigour that it was then laid aside. Sir Thomas afterwards renewed it, and with that preface mentioned by Sir William Temple; upon which, Lord Ashley drew up the following reasons to convince the king of the hardship, injustice, and ill consequences of this step. These reasons Mr. Stringer transcribed, and went with him to Whitehall, where he immediately attended the king, who took Lord Ashley, with the Earl of Lauderdale and Sir Thomas Clifford, into his closet, where they continued about two hours. Lord Ashley, on his return, told Mr. Stringer he had once more strenuously opposed that inconsiderate and oppressive scheme, but found he could do no good: however, he had left with the king his objections.

A.D. 1671.

Sir Thomas Clifford the author of the proposal.

“REASONS against stopping the due course of payment in the exchequer.

Lord Ashley's reasons against it.

“First. It is contrary to common justice among

who granted him the promised reward, together with a peerage. This expedient was the shutting up of the exchequer.” It is not, however, impossible that Shaftesbury was in this instance outwitted by Clifford, and that he now opposed a design which had once been his own.

A.D. 1671. men, and, also, to the law, and several statutes of the realm.

“Secondly. It is against your majesty’s constant promises; and, especially, your declaration of the 18th of June 1669, which says, that all funds, present and future, shall be kept sacred and inviolable.

“Thirdly. It must amaze mankind, and will ruin thousands, amongst whom are a multitude of poor widows and orphans.

“Fourthly. It will immediately cause the greatest damp on trade that hath been known, and so concerns your majesty’s revenue considerably; all this money in the exchequer, and a greater sum, being actually lending to your majesty’s several officers, as the treasurers of the navy and army, the chamber, cofferer, ordnance, and victuallers.

“Fifthly. This post will carry it all over Europe, to the great joy of your enemies, who know the use of credit; and the crown of Spain can sufficiently tell what the abuse thereof has cost, which your majesty hath been pleased often to mention as a great mistake in that government, though they never did anything so high as this; it being only upon the farmers of the revenue.”

Lord Ashley made out an exact state of the receipts of the revenue, and also of the issues, both ordinary and extraordinary, for the support of the government; and, upon computation, he found that the advancing of three hundred thousand pounds, and the payment of one hundred thousand pounds monthly, into the exchequer, would fully answer the public occasions. This the bankers undertook to do in case the payments might have continued in their due course; which he, likewise, laid before the king: but it did not agree with Sir Thomas Clifford's designs, who had too much influence to be baffled.

A.D. 1671.

After the stop, the discontents and clamour of the people were as great as they were just. The popish party at court, who projected this scheme, endeavoured to fix the infamy of it on Lord Ashley; and a pamphlet, some time afterwards, was published for this purpose, which was sent to him by one of his friends as soon as it appeared; to satisfy whom, and to justify himself, he wrote the following letter.⁶⁷

A. D.
1671-2.Is charged
with being
the adviser
of it.

⁶⁷ This letter was written to Mr. Locke, and was intended by Lord Shaftesbury to be exhibited as his own justification of his conduct. It has been since printed in Lord King's Life of Locke, doubtless from the original. Lord Shaftesbury there

A. D.
1671-2.

His letter in
his own jus-
tification.

“SIR,

“You guess very right at the design of the pamphlet you sent me. It is certainly designed to throw dirt at me; but it is, like the great promoter of it, foolish as well as false. I am very well armed to clear myself, being able to prove what my opinion was of it when it was first proposed to the council: and if any man considers the circumstance of time when it was done, and that it was the prologue of making Lord Clifford lord high treasurer, he cannot very justly suspect me of the counsel for that business; unless he thinks me, at the same time, out of my wits. Besides, if any of the bankers had inquired of the clerks of the treasury-chamber, with whom they are well acquainted, they might have found that Sir John Duncomb and myself were so little satisfied with that way of proceeding, that, from the time of the stop, we instantly desisted from paying or borrowing of money. I shall not deny but that I knew earlier of the counsel, and fore-

says, “The messenger staying for me, I have written it in haste, and not kept a copy.” Yet the letter in the text is evidently copied from a transcript of the material parts, which he must have reserved without any note as to whom the original had been sent.

A. D.
1671-2.

saw what necessarily it must produce, perhaps sooner than other men; having the advantage of being more versed in the king's secret affairs: but I hope it could not be expected by any who do in the least know me, that I should have discovered the king's secrets, or betrayed his business, whatever my thoughts were of it.

“The worthy scribbler, if his law be true, or his quotations to the purpose, should have taken notice of the combination of the bankers, who take the protection of the court, and do not take the remedy of the law against those from whom they had the assignments; by which they might have been enabled to recover their money and pay their creditors: for it is not to be thought that the king will put a stop to their legal proceedings in a court of justice. Besides, if the writer had been really concerned for the bankers, he would have been freer in his discourse against the continuing the stop in the time of peace, as well as against the first stopping of those payments in a time of war; for, as I remember, there were some reasons offered for the first stop, which have a little colour of weight in them, viz. that the bankers were grown destructive to the nation, especially to the country gentlemen and farmers,

A. D.
1671-2.

and their interest; that, under the pretence and by the advantage of lending the king money upon very great profit, they got all the ready money of the kingdom into their hands; that no gentlemen, farmers, or merchants could, without great difficulty, compass any for their occasions, unless almost at double the rates the law allowed to be taken; that, as to the king's affairs, they were grown to that pass, that twelve per cent. did not satisfy the bankers, but they bought up all the king's assignments at twenty or thirty per cent. profit; that the king was at a fifth part loss in all the issues of his whole revenue. Besides, in support of this counsel, I remember it was alleged by those that favoured it without doors, (for I speak only of them,) that the king might, without any damage to the subject, or unreasonable oppression upon the bankers, pay them six per cent. interest during the war, and three hundred thousand pounds a-year of their principal as soon as there was peace; which, why it is not done, the learned writer, I believe, hath friends that can best tell him.⁸⁸ "I am, &c."

⁸⁸ The remainder of this letter, after the plea of haste which I have before quoted, consists of expressions of friendship, and a warm invitation to St. Giles. There is, also, mention made

The last paragraph in this letter makes it evident that Lord Ashley thought the pamphlet was written by a friend of the court, and, perhaps, by one of the ministry ; which shows that he was not admitted into their most secret designs, that there was no harmony between them, and that they thus early endeavoured to fix upon him the odium of their unpopular schemes.

A. D.
1671-2.

What Lord Ashley writes here with regard to the conduct of the bankers, he might probably say to several of his friends. The extortion of the bankers must have been notorious. However, it is plain, from the tenor of this letter, that he did not look upon it as a justification of the stop, and that he had condemned and opposed the proceeding. It is possible he might speak of the great extortion of the bankers in the same manner as in his letter ; and this might occasion Bishop Burnet's writing the following account of it, which is very remarkable.

Remarks
on Bishop
Burnet.

of the annuity which has been already noticed. It seems that Locke was at this time seeking to invest some money in this manner ; and Shaftesbury offers, if he cannot elsewhere obtain a better bargain, to grant him one at seven years' purchase : for, he says, he would leave him free from care, and would have him think of living long and at ease. This letter is dated Nov. 23, 1674.

A. D.
1671-2.

“ Lord Shaftesbury was the chief man in this advice. He excused it to me, telling me what advantage the bankers had made, and how just it was for the king to bring them to an account for their usury and extortions ; and added, that he never meant the stop should run beyond the year. He certainly knew of it beforehand, and took all his own money out of the bankers’ hands, and warned some of his friends to do the like.” After a positive assertion that Lord Shaftesbury was the chief man in the advice, the bishop, in the same sentence, says that he certainly knew of it beforehand. This is, to say the least of it, a very incorrect way of writing, and a proof that the bishop had not the greatest certainty for his first assertion.

Duke of
Ormond’s
declaration
in favour of
Lord Ash-
ley.

The Duke of Ormond, some time after, being in company where the stop of the exchequer was the subject of conversation, declared “ that he wondered why people accused Lord Ashley of giving that advice ; for he himself was present when it was first moved by Lord Clifford in council, and he heard Lord Ashley passionately oppose it.”

Lord Ash-
ley’s reply
to Lord
Chancellor
Finch.

Some years after, when Lord Ashley (then Earl of Shaftesbury) was entirely out of favour,

A. D.
1671-2.

Lord Chancellor Finch, being attacked by him for some of his proceedings, instead of vindicating himself, only answered, by way of recrimination, that he did not advise the breaking of the triple alliance ; he did not advise the stop of the exchequer ; nor did he advise the making of the Dutch war.* Lord Shaftesbury immediately replied with great coolness, appealing to the lords of the council, who were in the house, whether these transactions were owing to his advice. He accused nobody, but spoke in such a manner that the whole house seemed convinced of his innocence. Upon this, Lord Arlington, who had no good understanding with the chancellor, asked the king, who was then present, which of the two had acted most respectfully towards him ; since he knew how open Lord Shaftesbury could have laid those affairs, and yet, under such provocations, he only cleared himself, and still kept the secret. Upon this, the king rebuked the chancellor for meddling with the secrets of the council in so public a place ; and told him, he knew nothing of those matters.

The reader, if he recollects Lord Ashley's con-

* Lord Mohun told this to Mr. Stringer the day when it happened in the house of lords.

A. D.
1671-2.
Farther
vindication
of Lord
Ashley.

duct with respect to Mr. Holles, when accused in the house of commons, and what Mr. Locke says of him, "that he thought every man was under an obligation to secrecy in private conversation, though not asked to it," will see, by the caution observed in the foregoing letter, (where he says, he will speak only of those who favoured the scheme without doors,) and by his answer to the lord chancellor, that he steadily adhered to the same principles in his behaviour here, where, indeed, he was under a stricter tie,—his oath in council.

Could he have dispensed with this, and the obligation which he thought himself under to secrecy even on the smallest occasions, he might easily have cleared himself to the world of the suspicions raised against him, and have pointed out the authors of the pernicious counsels which had been given.

Principles
of the
court.

Those who consider the conduct of the court can, however, be at no loss to discover the source of these counsels. From the beginning of King Charles the Second's reign, popery was the principal agent; and, though its operations were at first secret, its influence was always great, and its power constantly increasing. The zealots for it were inflamed with their design, and were fond

of the most violent measures. The interest of France was promoted to advance that of Rome. The penal laws against the dissenters, the division of the protestants, the wars with Holland and league with France, the prorogations of parliament and the shutting up of the exchequer, all came from the same fountain. They had the same tendency, the same air of violence; as was, likewise, the case with regard to the subsequent actions of this reign. Everything was conducted with a view to carrying on the scheme of government begun at the Restoration, and settled by the treaty at Dover. For the effectually promoting of the scheme a French mistress of state⁸⁹ was given to King Charles. By this means a door was opened for a more convenient access of the emissaries from France; the secrets of our counsels were better known, and discovered to the French king; and the severest of his commands were more softly conveyed.

Sir Thomas Clifford was zealous for bringing in

⁸⁹ It is scarcely necessary to observe that this was Louisa de Querouaille, the celebrated Duchess of Portsmouth. The articles of impeachment against her, published in the 8th volume of Lord Somers' Tracts, contain some curious instances of her influence over Charles, and of the manner in which it was exercised. Mrs. Jameson, in her "Beauties of the Court of Charles the Second," has sketched this lady in her usual happy manner.

A. D.
1671-2.

the popish religion; and as the Duke of York adhered to his interest, and earnestly promoted him, Sir Thomas made his way to the chief ministry.

Declaration
of indul-
gence.

By his advice, on the 15th of March 1671-2, a declaration was published for suspending the execution of the penal laws against the nonconformists and recusants. This, Sir Thomas Clifford, who was a bold enterprising man, proposed with a design to favour the papists: his reason for it was, as he said, that, when the king was engaging in a foreign war, it was necessary to make all his subjects easy at home. Lord Ashley, who had as much boldness as Sir Thomas, but more sagacity, presently closed in with his proposal, but upon different views, as being in principles and interest diametrically opposite to him. Lord Ashley was acquainted with the secret of the king's religion, and perceived that numbers of people were turning to it at that time. He knew that great multitudes frequented the chapels of the queen, the Duke of York, and the foreign ministers, as well as many oratories in other houses; and that they had, underhand, sufficient liberty and encouragement to profess popery without obstruction from any magistrates; so that it was, almost insensibly,

increasing very fast in the kingdom. He thought it requisite that the nation should be alarmed in time, and informed who the persons were that protected the papists. He foresaw the clamours which the public indulgence of them would raise, and knew that those clamours would be the surest foundation for an opposition to the interest which prevailed at court. His policy succeeded so well, that the most considerable papists were soon after much disturbed at the declaration. They thought that Lord Clifford had betrayed them, by setting them so open to view, when they got nothing by it, having before all the advantages which they could expect without being observed; whereas this raised a storm in the kingdom, which they were afraid would fall heavy upon them. The clergy were angry with regard both to the dissenters and the papists. The public saw that it was principally designed in favour of the last; a circumstance which, for a time, united all the protestants, whether members of the established church or nonconformists, closely together. The pulpit exclaimed against the indulgence, and the parliament afterwards fell upon it with vehemence.

A.D.
1671-2.

Discontent
occasioned
by it.

Among many reasons which Lord Ashley gave

A. D.
1671-2.

Lord Ash-
ley's reasons
in favour of
it.

to justify his support of the declaration,* were,
“ That it was for the interest of the Church of
England: for the narrow bottom they had placed
themselves upon, and the measures they had pro-
ceeded by, were so contrary to the properties and
liberties of the nation, that they must needs, in a
short time, prove fatal to them; whereas this led
them into another way, to live peaceably with the
dissenting and differing protestants both at home
and abroad, and so by necessary and unavoidable
consequences to become the head of them all.—
As to the protestant religion, he said, it was for
the preserving of that, and that only, that he
heartily joined in the declaration; for besides that

* Bishop Burnet, speaking of this declaration, says, “ Bridgeman refused to put the seals to it, as judging it contrary to law; so he was dismissed, and the Earl of Shaftesbury was made lord chancellor.” This carries an insinuation that the seals were put to it by Lord Shaftesbury, and that he was made chancellor for that purpose. What the bishop says can be taken in no other light; but he was mistaken in the fact, for Bridgeman did affix the seal to it, and Lord Shaftesbury

was not made lord chancellor till eight months after the declaration was published. The following extracts from the London Gazette will render the matter undeniable.

“ *Whitehall, March 18, 1671.*

“ His majesty did, on the 15th instant, with the advice of his privy council, issue a declaration for the maintaining of the Church of England in its doctrine, discipline, and government, as it is established, and for indulging of nonconformists and dissenting per-

he thought it his duty to have care, in his place and station, of those he was convinced were the people of God and feared him, though of different persuasions, he knew nothing else but liberty and indulgence which could possibly secure the protestant religion in England.—As for the toleration of popery, he could confidently say, that the papists had no advantage in the least by this declaration that they did not as fully enjoy, and with less noise, by the favour of all the bishops; and that it was the vanity of the lord keeper,* that they were named at all, for the whole advantage was to the dissenting protestants, which were the only men disturbed before.”†

A. D.
1671-2.

sons (to which the reader is referred) in matters of religion.”

Whitehall, Nov. 17, 1672.

“ His majesty, reflecting upon the age and infirmities of Sir Orlando Bridgeman, lord keeper of the great seal of England, hath thought fit to admit of his resignation thereof, with all demonstration, on his majesty’s part, of his kindness and esteem of the said lord keeper’s merit towards him; and his majesty, willing to gratify the uninterrupted good services of the Earl of

Shaftesbury, chancellor of the exchequer, and one of the lords commissioners of the treasury, was pleased this day to give unto him the keeping of the said great seal, with the title of Lord Chancellor of England.”

* By this expression it is apparent that Sir Orlando Bridgeman was not only for the declaration, but for granting in it an indulgence to the papists.

† A Letter from a Person of Quality. — *Locke’s Posthumous Works.*

A. D.
1671-2.

[The reasons which Lord Shaftesbury gave to Mr. Locke for his conduct in this instance are well worthy of insertion; they contain much manly argument and much flimsy sophistry. It was an object worthy of an enlightened statesman, attempted to be brought about by most unconstitutional means. Where he advocates the object, he delivers sentiments now no longer disputed, but very far in advance of the age in which he lived; where he defends the means, he sinks with his subject, and copies the common-places of the court.

“The Lord Shaftesbury, with whom I had more freedom, I with great assurance asked, ‘what he meant by the declaration? for it seemed to me (as I then told him) that it assumed a power to repeal and suspend all our laws, to destroy the church, to overthrow the protestant religion, and to tolerate popery.’ He replied all angry, ‘that he wondered at my objection, there not being one of these in the case; for the king assumed no power of repealing laws, or suspending them, contrary to the will of his parliament or people. Not to argue with me at that time the power of the king’s supremacy, which was of another nature than that he had in civils, and had been exercised without exception in this very

A. D.
1671-2.

case by his father, grandfather, and Queen Elizabeth, under the great seal, to foreign protestants become subjects of England: not to instance the suspending the execution of the two acts of navigation and trade, during both this and the last Dutch war, in the same words, and upon the same necessity; and as yet without clamour that ever we heard. But to pass by all, that this was certain, a government could not be supposed, whether monarchical or of any other sort, without a standing supreme executive power fully enabled to mitigate or wholly to suspend the execution of any penal law in the intervals of the legislative power; which when assembled, there was no doubt but, wherever there lies a negative in passing a law, there the address or sense known of either of them to the contrary—as, for instance, of either of our two houses of parliament in England—ought to determine that indulgence, and restore the law to its full execution. For, without this, the laws were to no purpose made if the prince could annul them at pleasure: and so, on the other hand, without a power always in being of dispensing upon occasion, was to suppose a constitution extremely imperfect and impracticable; and to cure those with a legislative power always

A. D.
1671-2.

in being is, when considered, no other than a perfect tyranny.' ”

This reasoning shows that Mr. Locke's view was perfectly correct. According to it, the king had only to dissolve his parliament, and he might repeal every penal law in the statute-book. The earl then applies himself to the object of the declaration; and after the passage quoted in the text, Mr. Locke continues, “And yet he confessed to me, that it was his opinion, and always had been, that the papists ought to have no other pressure laid upon them but to be made incapable of office, court, or arms, and to pay so much as might bring them at least to a balance with the protestants for those chargeable offices they were liable unto. And he concluded with this, that he desired me seriously to weigh whether liberty and property were likely to be maintained long in a country like ours, where trade is so absolutely necessary to the very being as well as prosperity of it; and, in this age of the world, *if articles of faith and matters of religion should become the only accessible ways to our civil rights.*”

Sir Thomas Clifford's remarks in relation to this indulgence have at least the merit of can-

dour. He told Mr. Locke in express terms, "that the king, if he would be firm to himself, might settle what religion he pleased, and carry the government to what height he would." *

A. D.
1671-2.

This indulgence was agreed to by Charles only as a means of obtaining money without the aid of parliament. It was a direct breach of his private policy. This, however, the opposition of the parliament remedied for him. Colbert writes to his master, "I found the King of England, the Duke of York, and my Lord Arlington, all well disposed not to lose any time in the execution of the things that have been promised. There is nothing however yet determined for the principal point, and they don't even pretend to fix it till they return to London and see what may follow from the severity with which the king designs to make the last act of parliament against the meetings of the sectaries be observed; and he hopes that their disobedience will give him the easier means of increasing the force of his troops, and coming speedily to the end he proposes." †]

War de-
clared
against the
Dutch.

On the 17th of March 1671-2, ‡ two days after

* Letter from a Person of Quality.

† Dalrymple, vol. ii. p. 61.

VOL. I.

‡ "Lord Clifford's violence in beginning the war gave it an ill air in general, and a disuse

A. D.
1671-2.

the appearance of this declaration, the king, by the same advice, published a declaration of war against the States General. This war had been concerted with the French king, who published his declaration likewise on the same day, and pursued his conquests with such success, that Holland was in the utmost danger of being lost.

of parliaments a cruel maim in the chief sinews of war."—*Sir William Temple's Memoirs*, tom. ii.
by the Roman Catholic party, that it was called Lord Clifford's war."—*Dr. Davenant's Essay upon the Balance of Power*.
"It was so far set on foot

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THE LIFE
OF THE FIRST
EARL OF SHAFTESBURY.
VOL. II.

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THE LIFE
OF THE FIRST
EARL OF SHAFTESBURY,

**FROM ORIGINAL DOCUMENTS IN THE POSSESSION
OF THE FAMILY.**

BY MR. B. MARTYN AND DR. KIPPIS.

NOW FIRST PUBLISHED.

**EDITED
BY G. WINGROVE COOKE, ESQ.**

AUTHOR OF "MEMOIRS OF LORD BOLINGBROKE."

**IN TWO VOLUMES.
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THE LIFE

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A LITTLE more than two months after the war had been declared with Holland, a battle was fought, on the 28th of May, between the Dutch and English fleets; in which engagement, besides a number of other gallant officers and persons of distinction, died the brave Earl of Sandwich,

A.D. 1672.
Battle.

Death of the
Earl of
Sandwich.

A.D. 1672. who became careless of his life * in consequence of having been stung with an unmerited reproach that had been cast on him by the Duke of York. He had lived in great friendship with Lord Ashley, and joined with him in an opposition to that interest which the duke supported. He saw the fatal tendency of the counsels which prevailed, and was so apprehensive of the consequences, that he used to tell his intimate friends, he believed the people of England must come to fighting again for their liberties.

The nation
dissatisfied
with the
war.

The war with Holland was so repugnant to the true interest of England, that it raised great discontents in the nation ; and the court was soon distressed for want of supplies to carry it on. As Lord Ashley and Sir John Duncomb, from the time of the shutting up of the exchequer, had desisted from paying or borrowing money in the treasury, this was represented to the king as obstinacy, and a desire of obstructing his affairs ; and the ill consequences of such a disunion were set before him in the strongest light, to induce him to remove Lord Ashley, or put the management of the treasury in a single person. The king, however, who had a love for Lord Ashley,

* Columna Rostrata, p. 217.

and a confidence in his abilities, was the less A.D. 1672. angry with his conduct, because he had strongly opposed the stop of the exchequer from the beginning. The popish junto, therefore, took a method to ruin him under the appearance of kindness, and advised the king to give him the staff of lord treasurer. They knew that the king, in consequence of his religious principles, and the supplies which he received from France, was confirmed in the measures into which he had entered; and they were as sensible that Lord Ashley would be an enemy to these measures. They thought, therefore, that if he refused the staff, he would incur the king's displeasure, and probably be removed from his employments; and if he accepted it, they believed it would give the parliament and the public an opinion that he was the chief, if not the sole, adviser of those unpopular counsels which had lately been followed; and, consequently, that he would be forced into their schemes, and be obliged to serve them in parliament.

Scheme to
make the
Earl of
Shaftesbury
lord trea-
surer.

Though Sir Thomas Clifford had the white staff in view, and the Duke of York's interest to gain it, yet, as he believed that Lord Ashley would not be continued long in the posses-

A.D. 1672. sion of it, he likewise concurred in the advice ; especially, as he saw the parliament must meet to grant supplies for the war : and he thought that, after Lord Ashley had been exposed to the censure of the two houses, he himself might succeed him with the greater reputation.

The king
offers him
the white
staff :

The king approved of making Lord Ashley treasurer, and, as a previous step to it, advanced him to the dignity of the earldom of Shaftesbury. When he afterwards made him an offer of the staff, Lord Shaftesbury immediately penetrated the design with which it was proposed to him, and the difficulties that attended it. He saw an exchequer without credit, drained by the excessive expenses of the court ; and the king, without money or resources, engaged in a war, contrary to the sense of the nation. Lord Shaftesbury was sensible, at the same time, how potent his enemies were at court, and how great their influence was in the house of commons. He formed, therefore, at once his resolution. He returned his thanks to the king for the honour designed him, but humbly begged to be excused, unless he might be invested with a sufficient power of making peace with the Dutch. Upon this condition, he said that he

would readily accept of the place, and undertake A.D. 1672.
to recover the credit of his majesty's exchequer
and affairs: but a compliance with this condition
did not agree with the designs of the junto.

The more averse he seemed to the place, the
more earnest they were with the king to press
it upon him; and, accordingly, his majesty re-
solved to deliver it to him the Sunday follow-
ing: but Lord Shaftesbury receiving, on Friday,
some private intimations of the matter,* went
out of town to Lady Northumberland's at Pet-
worth, from thence to Mr. Norton's at South-
wick, and thence to Mr. Noel's (afterwards Earl
of Gainsborough) at Tichfield, whence he went to
his own house in Dorsetshire, where he stayed
five or six weeks. Before his return to Lon-
don, the affair was concluded, and the staff de-
termined to be given to Sir Thomas Clifford,
who was willing to accept it upon any terms.

declines ac-
cepting it:

given to Sir
Thomas
Clifford.

Whilst the junto were thus working in secret
against Lord Shaftesbury, he was equally vigi-
lant against them and their designs. He saw
popery spreading in the nation; that its great

Lord Shaf-
tesbury's
negotiation
with Mon-
sieur
Schrotter.

* Mr. Stringer writes, that he knew the whole of this to be true, because he accompa-
nied Lord Shaftesbury in the journey, who then told him his reasons for it.

A.D. 1672. support was in the Duke of York, who was immoveable in his principles; and that the progress of it depended on the hopes of his succession. He formed, therefore, a design to remove the duke from the succession, in a manner that would soothe his ambition, be agreeable to his religion, add strength to the interest of England, and be a security against the rising greatness of France.

Lord Shaftesbury lived in friendship, at this time, with an ingenious person of the Saxon court, Mons. Schrotter, whose father had been chancellor to the elector, and who was himself in great favour and confidence with that prince. Mons. Schrotter was employed by the elector in transacting some affairs of consequence, and had an intimacy with his first minister, the Baron de Friesen. He had, also, no small interest in the Elector of Mentz, and kept up a constant correspondence with him on the subjects of natural philosophy and chemistry, which at that time were the favourite studies of many of the great men in Germany, and even of the princes themselves. With this gentleman Lord Shaftesbury concerted his plan,* which was drawn

* The original is among Lord Shaftesbury's papers.

out by Mons. de Schrotter in Latin, and delivered by him to Lord Shaftesbury, dated July the 11th, 1672, beginning with this observation, "that it was upon the business they had been talking of three days before." A.D. 1672.

As the Emperor of Germany had no son, nor the expectation of having any by his empress, Mons. de Schrotter undertook to engage the two Electors of Mentz and Saxony to promote, by their interest with the emperor, the marriage of the Duke of York with an archduchess. The court of Vienna well knew that its chief hope lay in separating England from the friendship of France, and that this was the truest method of limiting or weakening her power. As the Austrian ministry could not but be sensible that in England the Duke of York was the chief support of the French interest, and that the proposed alliance would naturally draw him from it, it was thought that, for these reasons, the emperor would readily agree to the marriage, especially when recommended by the Electors of Mentz and Saxony, one of whom was head of the protestant, and the other of the Roman catholic interest in Germany.

Before a consummation of the marriage, it would

A.D. 1672. be necessary that the duke should be made a prince of the empire, that, instead of a portion in money, he might ask of the emperor a province upon the Rhine, near Alsatia, called Briscau,* a province that would be useful upon many accounts, and which the emperor would the more readily grant, as it lay remote from Vienna, and was much exposed to the incursions of the French.

Monsieur
Schrotter's
plan.

To engage the emperor either to offer this province, or to grant it readily when asked, it would be highly expedient to procure the interest of the Count de Zinzendorff, first gentleman of the bedchamber to the emperor, and his chief favourite, whose known covetousness would render this easy to be effected; not to mention that the count would otherwise be glad to gain the Duke of York's favour, who might, in some urgent necessity, protect him against his numerous and powerful enemies at court.

By this marriage, being a prince of the empire, and possessing a province of Germany, the Duke of York might in time succeed to the emperor's hereditary dominions; and thus the way would be opened to his being elected King of the Romans, and obtaining the imperial seat. Unless,

* Or Brisgow.

however, he was admitted among the states of A.D. 1672. the empire, and declared a prince of it, he could gain none of these advantages; as strangers, by a fundamental law of Germany, are excluded from the imperial throne.

In support of this design, it was alleged, that no time or opportunity could ever be more favourable: since, as a war from France seemed to be impending over the Spanish provinces in Flanders, and not only the emperor himself, but the several states of Germany were in danger, it must be their common interest to choose a King of the Romans, and an associate of the empire; and to choose him from a nation whose alliance would be of the most consequence to them. Even those princes who inhabited the middle of Germany, and who seldom interested themselves in the wars in which the extreme parts were engaged, would now, when their neighbours were subdued, and the French drew nearer to them, consider their own condition, and would find it incumbent upon them to grant their contributions for the support of those troops which the princes, whose territories lay upon the borders, were forced to maintain for the safety and protection of their countries.

A.D. 1672. As, however, these contributions were always granted with the utmost reluctance, the princes of Germany would readily embrace, and heartily promote, any scheme which might remove the danger of the French without bringing an expense and burthen upon themselves. Now no way of doing this could appear to them more effectual than by securing the friendship of England, which could not but be firmly established by their choice of the Duke of York for King of the Romans.

Lastly, the Jesuits, by whom almost all things are managed at the court of Vienna, would readily adhere to the interest of the Duke of York, as they were sensible how firmly he was attached to their order.

This is the substance of Mons. de Schrotter's plan : and as France was, at that time, in the possession of the Elector of Cologne's dominions ; as it stood fair for an entire conquest of the Dutch and the Netherlands, and the princes of Germany were in the utmost consternation ; the design might be considered as having some probability of success. Nevertheless, it does not appear that Lord Shaftesbury took any farther steps in it, which might partly be owing to the complicated

The scheme
dropped.

nature of the scheme itself, and, perhaps, still A.D. 1672. more to the death of the empress, and the marriage of the emperor with the archduchess of Inspruck; a circumstance which opened quite another prospect with regard to the succession to the empire.

This plan displays, however, the activity and energy of Lord Shaftesbury's mind, and shows how early he was providing in his thoughts a security against the duke's succession to the crown of England; and how anxious he was to oppose the designs of France upon Germany: for the French king had been concerting measures to get the dauphin* elected King of the Romans, though the dauphin was but ten years of age, and the laws of the empire required that the candidates should be seventeen.

A great magazine of corn, ammunition, and military stores, was provided by the French king upon the Rhine; and he had an army there, of eighty thousand men, under the command of the Prince of Condé, Marshal Turenne, and Marshal Créqu.

Lord Shaftesbury had always been zealous for

* Mons. Patin's Letters, vol. iii. No. 543, dated Paris, the 19th of December 1671.

A.D. 1672. supporting and extending the trade and navigation of England, and had attained an accurate and extensive knowledge in every branch of it. The king, by a commission under the great seal, dated September the 27th, 1672, appointed him president of the select council for trade, and for the care and improvement of the plantations, in the room of his friend the Earl of Sandwich. Lord Culpeper was vice-president; and Lord Gorges, Lord Allington, Mr. Brounker, Sir Humphrey Wynch, Sir John Finch, Mr. Walter, Mr. Slingsby, Colonel Titus, and Mr. Evelyn, constituted the rest of the council. Mr. Locke, by Lord Shaftesbury's interest, was made secretary.

Lord
Shaftesbury
appointed
president of
the council
of trade.

Upon the resolution to advance Sir Thomas Clifford, who was created a baron, to the post of lord treasurer, it was necessary to remove Lord Shaftesbury from being chancellor of the exchequer.⁹⁰ As, therefore, the popish interest could not yet prevail with the king to lay him aside, they contrived that he should be appointed lord chancellor, which place would give him a more public appearance of acting with them than any other, and in which they thought he could

He is made
Lord Chan-
cellor of
England.

⁹⁰ Or rather, perhaps, as he was useful to the king and his confidential counsellors as a minister, and dangerous to them as an opponent.

least obstruct their measures. Besides, they were A.D. 1672. in hopes that he would sink under the seals; for though, in his youth, he had been entered of Lincoln's Inn, he was never called to the bar : *

* There are some excellent pictures of him in his robes, as lord chancellor, drawn by Greenhill. One is in the present Earl of Shaftesbury's collection, one in the Duke of Dorset's, another in Earl Cowper's, and a fourth in the governor's room at the Charterhouse. In these pictures he is drawn in a brown gown, instead of a black one. This distinction of dress, the late Lord Chancellor Cowper said, was because Lord Shaftes-

bury had never been called to the bar.

The following copy of verses, written by Mr. Locke, may be some entertainment to the reader. They are in Mr. Locke's hand-writing, among other poetical performances of his, and, by the corrections in the manuscript, are evidently his first thoughts. They were addressed to Mr. Greenhill, with Cowley's Poems, in the year 1672, at which time the pictures were drawn.

TO MR. GREENHILL, WITH COWLEY'S POEMS.

COWLEY so writ, that easy 'tis to see,
In him the shapes of men and symmetry;
Thy pictures are so drawn, in them we find,
The inward make and temper of the mind.
Thus both the arts of fiction in you,
Cease to deceive, and are as nature true;
For in your matchless pieces may be seen
Strength, vigour, beauty, humour, life, and mien;
Which when we view, and sadly find that they
Are than ourselves less subject to decay,
We think ourselves the shadows which do fade,
And should be lost, but for your timely aid:
But to preserve, and make us lasting men,
Fate gave to thee thy pencil, him his pen.

A.D. 1672. they had no doubt, therefore, of his being so embarrassed in this employment, that he would quickly lose the reputation he had acquired.⁹¹ They thought, at least, that the great business of his office would not suffer him to be so often and so much with the king, to whom he gave his ad-

⁹¹ There is, among the MSS. in the British Museum, a letter from Shaftesbury to the Earl of Essex, in reply to a letter of congratulation which that nobleman had sent him upon his accession to the chancellorship.

“Exeter House, 13th Nov. 1672.”

“I RETURN my humble thanks to your excellency for the favour and honour of your congratulation. I assure y^r Ex. the King c^d not have put a man in this place more y^r serv^t; and yet putting y^r letter and P.S. tog^r, I cannot but apprehend I have been misrepresented from hence to you as one that has spoken ag^t yourself, or some of y^r proceed^r. If so, give me leave to say y^r intelligence out of Eng. has not been so good as your Ex^y ought to have, for I am sure the direct contrary is only true. I am the more jealous that this has been so, because I have been served in like manner with sev^l other persons, and upon several other occasions, by some worthy persons here that are exceedingly skilful in these lesser arts, but can do no business. Besides, my stars have not been very prop^t as to Irish aff^r and governors; but I rely on your wisdom and goodness to overrule those stars, and that you w^d believe it impossible to me not to be infinitely ambitious of your friendship while you please to allow it me. I shall never omit anything that may make it appear how truly I am

“Your Excellency’s very faithful friend and serv^t,

“SHAFTESBURY.”

Aysc. Cat. 4164.

vice with an unusual sincerity and freedom. They were mistaken, however, in the former part of their design : for he acquitted himself so well in his high station, he heard causes with so much patience, and made his decrees with such discernment and justice, that few or none of them were afterwards reversed ; * and his character became more firmly established than ever. As his affability, quickness, and judgment rendered him agreeable in the court where he presided, the peculiar magnificence in which he lived, and the dignity with which he supported his office, gained him the reverence of the public ; so that he acquired an authority equal to his power.

A.D. 1672.

The manner in which he sustained his office.

[Roger North remarks upon Shaftesbury's conduct while chancellor with his usual acrimony. It is not improbable that the earl's ignorance of the forms of his court might have led him to despise them. North says that he trampled on them all, and cut and slashed after his own fancy. " They know little," he continues, " that perceive not the difficulty of ordering matters in justice interlocutorily, upon the strength of abstract reasoning only, without help of stated

* Mr. Stringer says, he was informed by some gentlemen of the law that none of Lord Shaftesbury's decrees were reversed.

A.D. 1672. rules and methods prefixed by practice and experience; but his lordship was of another sentiment, and intended the bar should know it. They soon found his humour, and let him have his caprice, and after, upon notice, moved him to discharge his orders; and thereupon, having the advantage upon the opening to be heard at large, they showed him his face, and that what he did was against common justice and sense; and this speculum of his own ignorance and presumption coming to be laid before him every motion-day, did so intricate and embarrass his understanding, that in a short time, like any haggard hawk that is not let sleep, he was entirely reclaimed." This is doubtless a very exaggerated account; but it is an error into which such a man was very likely to fall, and one also which would increase his popularity with the multitude.

The same author relates a whimsical anecdote having relation to Shaftesbury's chancellorship. It seems that it was usual for a judge to select a member of the bar to perform some offices, which from their nature necessarily produced a degree of private intimacy. In the time of the author of the Examen, the influence of this

person was considerable. "The chief practisers," A.D. 1672. he says, "are usually very civil to the gentleman that is accounted the judge's friend; and they desire to be in his company, to serve his turn with treats, and obtain instruction and inlet to other causes, and their own by spying out his humour, the judge's designs and expectations, and what secrets relating to the court they can pump from him drunk and sober."

One Mr. H——, who appears to have been a very silly fellow, stood in this relation to Shaftesbury: chosen probably because he was an acquaintance, and a neighbour in the country. His brethren of the bar did not fail in their usual convivial attempts; and one of them, at a meeting of this description, told him that he was not aware of the privileges of the situation he enjoyed. "The judge's friend," he said, "always had a right of preaudience at the bar, taking precedence even of the attorney-general." H——, excited by the wine he had drunk, and by the persuasion of those around, was readily convinced; and he declared amid the applause of his companions, that he would assert his privilege on the morrow. The effects of his vanity did not pass away with the fumes of the wine: the

A.D. 1672. next morning the simpleton was in court; and when the attorney-general rose as usual in order to move first, he from without the bar called out to him: "Mr. Attorney, pray be pleased to move in your turn." "Sir Heneage Finch," says North, "then the attorney-general, looked back and stared, concluding the man mad or drunk; but the other persisted so much to be first heard, that the court had but authority enough to compel him, and none at all to persuade him, to be quiet."*

During Lord Shaftesbury's chancellorship he lived at Exeter-house in the Strand. We have, in Rawleigh Redivivus, an account of his procession thence to Westminster on the first day of term. Its length may be conjectured from the fact that all the barristers, all the students of the inns of court, and the sixty clerks of the chancery, were included in it; and its magnificence from the equipage of the chancellor himself, who, preceded by all the great officers with the insignia of his authority, rode on horseback richly arrayed, with the gentleman of his horse, a page, a groom, and six footmen walking along by his stirrup. North ridicules this

* North's Examen, p. 59.

equestrian procession, and the display which the judges made in their novel position : he says that, for want of gravity in the beasts, and too much in the riders, there happened some curvetting which made no little disorder ; and Judge Twisden, to his great affright and the consternation of his grave brethren, was laid along in the dirt.] A.D. 1671.

When Lord Treasurer Clifford took the oaths before him, Lord Shaftesbury made an elegant speech, in which were great encomiums upon the king ; whose natural disposition he much commended, applying to him the character of the Emperor Titus, *DELICIE HUMANI GENERIS*. He put Lord Clifford in mind of his illustrious ancestors, as an incitement to his acting honourably in his station ; and, by way of insinuating his advice, he concluded with a wish, "that he might exceed all his predecessors in that place ; the abilities and fidelity of the renowned Lord Burleigh ; the sagacity, quickness, and great despatch of his son the Lord Salisbury ; and the uprightness, integrity, and wisdom of that great man that went last before him, the Earl of Southampton."

His speech
at swearing
in the Lord
Treasurer
Clifford.

As Lord Shaftesbury, in this speech, testified his respect for the memory of his friend and

A.D. 1672. relation, Lord Southampton, he likewise showed that he had no resentment against Lord Clifford for obtaining the first place in the ministry. At the same time, in a delicate manner, he gave him a hint of his knowing the designs which had been formed against himself by the Duke of York and Lord Clifford; for, speaking of the king, he said, "no subtle insinuations of any near him, nor the aspiring interest of a favourite, shall ever prevail against those that serve him well; nor can his servants fear to be sacrificed to the malice, fury, or mistake of a more swelling popular greatness."

Lord
Shaftes-
bury's in-
tegrity as
chancellor
of the ex-
chequer.

Lord Shaftesbury had been chancellor of the exchequer above eleven years, and, after the death of Lord Southampton, he was one of the commissioners of the treasury; both which trusts he discharged with remarkable integrity. He sought no private advantage, though he had such extraordinary opportunities, by the farming of the revenue, whilst he was chancellor of the exchequer: nor was he ever charged with any misapplication of the public money, or with obtaining any grant for his own benefit. He was always for promoting a greater frugality than was agreeable either to the king or those

about him. The king, however, retained a kindness for him, as he took delight in his conversation; and was not more pleased with his judgment on serious occasions, than with his wit at other times. Lord Shaftesbury was as distinguished for the brightness and readiness of his turns, and the quickness of his repartees, as any of those who had the character of being only wits. Though he seldom or ever began the attack, he always so well defended himself, that the aggressors were willing to yield the field to him.

A.D. 1672.

The king
pleased
with his
conversa-
tion.

The king, who had himself a great share of wit, loved it in others; and was ever ready to forgive a jest, though retorted on himself. One day, as Lord Shaftesbury was coming into the presence, the king said aloud to the queen, "Here, madam, is the greatest whoremaster in England:" Lord Shaftesbury, bowing to the queen, gravely replied, "Of a subject, madam."⁹² An-

Instances
of his wit.

⁹² If this be the true version of this often-told anecdote, and this retort was really made in the presence of the queen, it evinces more wit than good taste in the chancellor, who must have known that the retort, although a mere joke to Charles, was a bitter jest to the injured queen. According to North, Shaftesbury was exceeded in his gallantries by few of the courtiers. There was a deformed old gentleman, named Sir P.

A.D. 1672. other time, the king being at dinner at Lord Shaftesbury's, the Duke of Lauderdale, going out of his sphere, attempted to play upon Lord Shaftesbury, and in a manner which did no great honour to his wit or politeness. "I think, sir," said he to the king, "there is a very good saying, 'that fools make feasts, and wise men eat them.'" "There is another," said Lord Shaftesbury, "as good, 'Wits make jests, and fools repeat them:.'" upon which the king, turning to the duke, said: "Take my advice; know your men before you endeavour to be witty on them."

Writs issued for electing members before the meeting of parliament.

Immediately after Lord Shaftesbury had received the seals, he was commanded by the king to issue writs for electing members of the house of commons, before the meeting of the parliament, in the room of others who were deceased.

This not a new proceeding.

Bishop Burnet, willing to load Lord Shaftesbury with the weight of this proceeding, says, "he resolved to recommend himself to the con-

Neal, who, from his constant attention in entertaining the earl's mistresses when they walked in Hyde Park, was called Lord Shaftesbury's groom; this, at least, is what I suppose Roger North (an attorney-general and an author of great gravity) intended to convey by the expression, "he watered his mares in Hyde Park with Rhenish wine and sugar, and not seldom a bait of cheesecakes."—*Examen*, p. 60.

fidence of the court by a strain never before A.D. 1672. thought of." The same thing, however, had been done in the three preceding reigns.

In Queen Elizabeth's reign several writs were issued out, in time of prorogation, by Sir Nicholas Bacon and Sir Thomas Bromley, lord chancellors, for electing members, not only in the room of those who were dead, but of others who were living, but could not attend, by sickness, or absence in the queen's service abroad. Particularly, on the 19th of January 1580-1,* the affair being controverted in the house of commons, it was determined that several members, chosen by writs issued by the lord chancellor during a vacation, in the room of other members who were not dead, but only sick of durable diseases, as agues, &c. or absent in her majesty's service abroad, should be received and allowed. Nevertheless, on the 18th of March afterwards, being the last day of that session, it was adjudged to the contrary, that such members as were chosen in the room of others who were still living, should be excused in having sat there till that time, but be thenceforth discharged from their places; with some exceptions, however, where the old members appeared

Practised
in Queen
Elizabeth's
reign.

* D'Ewes's Journals.

A.D. 1672. to be incurable: but no order was made against the members chosen by the chancellor's writs in the room of such as were deceased. The commons, however, to assert their ancient right, at the same time resolved, that, during the time of the sitting of parliament, there should not any writ go out without the warrant of the house first directed for the same to the clerk of the crown, according to the ancient jurisdiction and authority of the house.

In James
the First's
reign.

In the second and third years of the reign of King James the First, when Lord Ellesmere was lord chancellor, several writs were issued during prorogations; and, on the 5th of November 1605,* a committee of the house of commons was appointed to make an inquiry into them. But there were no farther proceedings by the house, during that session, upon the affair; and therefore, in the two following years, the lord chancellor continued to issue the writs in the same manner.

In Charles
the First's
reign.

The parliament, which began in the third year of King Charles the First, was prorogued from June the 26th, 1628, to the 20th of October, and

* Commons' Journals.

farther prorogued to the 20th of January; during which prorogations six writs were issued by the Lord Keeper Coventry. But, on the 21st of January, a question being moved about the lord keeper's making out writs in time of prorogation, it was referred to the committee of privileges to consider of it; who, on the 4th of February, made a report, "That the clerks of the crown office had brought precedents, appearing in their books from the 14th of Elizabeth, whereby it appeared, that, in the prorogations of the parliament from the 14th to the 23rd of Elizabeth, forty-six writs had been issued; and in King James's reign (besides what were issued in prorogations) two writs were made out in the time of adjournment; and that the clerks even claimed, in times of prorogation, to make out writs of course, without order from the lord keeper: yea, that they had done so sometimes in times of adjournment." The committee therefore left the matter to the house, without any opinion of their own. The house came to no general resolution against the lord chancellor's granting of writs, but ordered a warrant, under the speaker's hand, for a supersedeas, to discharge one of the six writs above mentioned, viz. for

A.D. 1672.

A.D. 1672. Hertford, in the room of Sir Charles Morrison, and for a new writ to be issued instead thereof.⁹³

In this very parliament of King Charles the Second, before Lord Shaftesbury was chancellor, a method was introduced in the house, which directly tended to countenance the like attempt in the crown; for, in the sessions of 1669 and 1670, the commons, instead of ordering their speaker to issue his warrant to the clerk of the crown, only ordered that the speaker should certify the vacancy to the lord keeper, desiring him that a writ might issue forth under the great seal for the election of a new member.

The king and his brother (by whose influence

⁹³ The following version of Lord Shaftesbury's conduct in this affair is extracted by Sir J. Dalrymple from a MS. of Lord Keeper Guildford, then in the possession of Dr. North.

“ Shaftesbury issued writs for election, without the speaker's leave, to bring in a few of his own creatures to be burgesses in the west country.

“ When Shaftesbury found he was to be questioned first, and for what he had said and done, he fell to his old courses by which he used to save himself in former changes, and dealt underhand with the party that opposed the court, and recanted publicly and suddenly by disapproving the declaration, and thereby saved himself with them who thought it would be of more service to have the king's counsels betrayed than to make the Earl of Shaftesbury an example.”

he chiefly acted) were intent upon reviving by degrees every claim or pretence of prerogative; and, therefore, when the way was artfully paved to it by engaging the commons to certify the vacancies to the lord keeper, it was put upon Lord Shaftesbury to bring the affair to a conclusion, thereby to establish this power in the crown; or, if the design failed, to expose him to the resentment of the house. Lord Shaftesbury was obliged either to obey the king's command, or to resign the seals which he had just received, and, by so doing, entirely to break with the king. This he was unwilling to do whilst the least glimpse of hope remained of diverting him from those dangerous measures in which he was engaged.

A.D. 1672.

Ld. Shaftesbury's views in submitting to issue the writs.

Lord Shaftesbury saw the great progress of popery; he knew the influence which the professors of it, and the agents of France, had in the council; and that the affairs of the public were running into confusion: he was, therefore, determined to stand in the breach as long as possibly he could. He was satisfied that the commons would assert their ancient jurisdiction, and was sensible that a spirit raised in one point would spread and break forth in others. His conduct

A.D. 1672. was understood by many in the house: for Sir Thomas Littleton, Mr. Powle, and others, who pushed on the inquiry into the affair of the writs, were his particular friends, and the former was one of the tellers for the yeas for a committee to be appointed to inspect the precedents. The commons resolved, that all the elections upon the writs issued since the former session, should be void, and that Mr. Speaker should issue out his warrant to make out new writs for those places; but, in their resolutions, there is not a single word which carries any kind of censure or reflection on the chancellor.

His conduct
understood
in the house.

**A.D.
1672-3.**

Lord Clifford and the rest of the junto, who were enemies to Lord Shaftesbury, had, before the meeting of the parliament, engaged their friends in the house to attack him upon his granting warrants for the writs;* but Lord St. John, (afterwards Duke of Bolton) Lord Russell, Sir Thomas Littleton, and other members of the

* Bishop Burnet says, "he knows the house intended to impeach Lord Shaftesbury for this among other things; but whether any elections were made upon these writs, he cannot tell." It is very surprising that a man should be so much in the secret of affairs, and at the same time be ignorant of so known a fact as the election and expulsion of several members in consequence of the writs.

country party, were desirous of preserving him in his station, as the only man then at court able to stem the popish interest. They resolved, at the first meeting, after the expulsion of the new members, to turn the power of the house to the opposition of popery, which was advancing in a very open manner.

A. D.
1672-3.

At the first meeting of the parliament, on the 4th of February 1672-3, Lord Shaftesbury gave an instance of the greatness of his spirit, which showed likewise upon what terms he stood with the Duke of York. At the Restoration, the Dukes of York and Gloucester had desired the Earl of Manchester to ask the house of lords "what places should be provided for them to sit in. The house, the same day (May the 30th, 1660,) appointed a committee of six lords to attend the king, and acquaint him that there being no precedent for them to govern themselves by, they desired his majesty would please to determine the places himself: and the committee immediately returned, and reported, by the Earl of Northumberland, that his majesty said, he conceived the seat on the right-hand of the state, where the King of Scots was anciently wont to sit, would be of no more use, seeing that title was

Remark-
able in-
stance of
his great
spirit.

A. D.
1672-3.

involved in himself; that he farther said, in the parliament at Oxford he himself sat in that seat as Prince of Wales; therefore he desired that place might be reserved for the Prince of Wales, and the place on the left-hand of the state might be fitted speedily for his brothers; and accordingly the house gave directions to have it done.* Some years afterwards, upon the queen's apparent barrenness, the Duke of York being looked on as the certain successor to the crown, and his power increasing at court, he took the chair on the right-hand of the throne. Lord Chancellor Shaftesbury, the first day he sat as speaker, resolved to replace the duke in his proper seat. He informed him that he was in the wrong chair, and that his place was on the other side of the throne, as only heir presumptive. The duke being unwilling to quit his seat, Lord Shaftesbury told him that he could not proceed upon business till the house was in form. At length the duke was obliged to submit, but said, in a passion, "My lord, you are a rascal and a villain." He, with great composure, immediately replied, "I am much obliged to your royal highness for not calling me likewise a coward and a papist." If Lord Shaftesbury, instead of this re-

* Lords Journals.

ply, had complained to the house of the indignity offered to the speaker in a discharge of his duty, the house must have resented it; but he had too much spirit to make any complaint.*

A. D.
1672-3.

The king, in his speech to both houses, told them, that he had been obliged to enter into a war with Holland, and that, "before his declaration of the same, he had put forth a declaration for indulgence to dissenters, and had found the good effects of it, by securing peace at home when he was engaged in a war abroad; that he never intended the papists, by this declaration, should have any other liberty but the freedom of their religion in their own houses; and that he was resolved to stick to his declaration, and left the rest to his chancellor."

Summary
of the king's
speech to
Parliament,
Feb. 4,
1672-3.

When the speech was finished which was delivered by the lord chancellor, the king added to what he had said before, the following words: "One thing I had forgot to mention to you, which happened during this prorogation. I did give order that some writs might issue out for the

* After the seals were taken from Lord Shaftesbury, the Duke of York returned to the seat on the right-hand of the throne, as appears by the following words in Lord Shaftes-

bury's speech in 1680; where, complaining of the power and influence of the duke, he says, "he takes his seat as Prince of Wales."

A. D.
1672-3.

election of members instead of those that are dead, to the end the house might be full at their meeting; and I am mistaken if this be not done according to former precedents. But I desire you, that you fall not to any other business till you have examined that particular, and I doubt not but precedents will justify what is done. I am as careful of all your privileges as of my own prerogative."

Offensive
expression
in the lord
chancellor's
speech.

In the speech delivered by the chancellor was this expression of Cato the Censor, when he was exciting the senate to a war with the Carthaginians, *DELENDA EST CARTHAGO*; which was applied to Holland, and gave the nation a general and just offence.

[This speech is remarkable for the bold and uncompromising manner in which it defends every ministerial measure of the time, and for the outcry which it occasioned. It is easy to discover why it was originally omitted here, but it certainly deserves insertion.

"My lords, and you the knights, citizens, and burgesses of the house of commons; the king hath spoken so fully, so excellently well, and so like himself, that you are not to expect much from me. There is not a word in his speech that

A. D.
1672-3.

hath not its full weight, and I dare with assurance say, will have its effect with you. His majesty had called you sooner, and his affairs required it, but that he was resolved to give you all the ease and vacancy to your own private concerns, and the people as much respite from payments and taxes, as the necessity of his business or their preservation would permit. And yet, (which I cannot but here mention to you,) by the crafty insinuations of some ill-affected persons, there have been spread strange and desperate rumours, which your meeting together this day hath sufficiently proved both malicious and false. His majesty hath told you that he is now engaged in an important, very expensive, and, indeed, a war absolutely necessary and unavoidable. He hath referred you to his declaration, where you will find the personal indignities by pictures and medals, and other public affronts, his majesty hath received from the States; their breach of treaties both in the Surinam and East India business: and at last they came to that height of insolence as to deny the honour and right of the flag, though an undoubted jewel of this crown never to be parted with, and by them particularly owned in the late treaty of Breda, and never

A. D.
1672-3.

contested in any age. And whilst the king first long expected, and then solemnly demanded, satisfaction, they disputed his title to it in all the courts of Christendom; and made great offers to the French king if he would stand by them against us. But the most Christian King too well remembered what they did at Munster, contrary to so many treaties and solemn engagements, and how dangerous a neighbour they were to all crowned heads. The king and his ministers had here a hard time, and lay every day under new obloquies: sometimes they were represented as selling all to France for money to make this war; Portsmouth, Plymouth, and Hull were to be given into the French hands for caution. The next day news came that France and Holland were agreed. Then the obloquy was turned from treachery to folly: the ministers were now fools that some days before were villains. And indeed the coffee-houses were not to be blamed for their last apprehensions; since, if that conjunction had taken effect, then England had been in a far worse case than now it is, and the war had been turned upon us. But both kings, knowing their interest, resolved to join against them who were the common enemies to all monarchies, and, I may

say, especially to ours, their only competitor for trade and power at sea, and who only stand in their way to an universal empire as great as Rome. This the States understood so well, and had swallowed so deep, that, under all their present distress and danger, they are so intoxicated with that vast ambition, that they slight a treaty and refuse a cessation. All this you and the whole nation saw before the last war; but it could not then be so well timed, or our alliances so well made. But you judged aright that at any rate, '*delenda est Carthago*,' that government was to be brought down; and therefore the king may well say to you, it is your war. He took his measures from you, and they were just and right ones; and he expects a suitable assistance to so necessary and expensive an action, which he hath hitherto maintained at his own charge, and was unwilling either to trouble you, or burthen the country, until it came to an inevitable necessity. And his majesty commands me to tell you, that unless it be a certain sum, and speedily raised, it can never answer the occasion.

“ My lords and gentlemen, — Reputation is the great support of war or peace. This war had never begun, nor had the States ever

A. D.
1672-3.

A. D.
1672-3.

slighted the king, or ever refused him satisfaction, neither had this war continued to this day, or subsisted now, but that the States were deceived in their measures, and apprehended his majesty in that great want of money that he must sit down under any affronts, and was not able to begin or carry on a war. Nay, at this day the States support themselves amongst their people by this only falsehood,—‘that they are assured of the temper of England and of the parliament, and that you will not supply the king in this war; and that, if they can hold out till your meeting, they will have new life, and may take new measures.’ There are lately taken two of their principal agents, with their credentials and instructions to this purpose, who are now in the Tower, and shall be proceeded against according to the law of nations. But the king is sufficiently assured of his people, knows you better, and can never doubt his parliament. This had not been mentioned, but to show you of what importance the frankness and seasonableness of this supply is, as well as the fulness of it. Let me say, the king hath brought the States to that condition, that your hearty conjunction at this time, in supplying his majesty, will make

them never more formidable to kings, or dangerous to England. And if, after this, you suffer them to get up, let this be remembered,—the States of Holland are England's eternal enemy both by interest and inclination.

A.D.
1672-3.

“In the next place to the supply for the carrying on of the war, his majesty recommends to you the taking care of his debts. What you gave the last session did not near answer your own expectation. Besides, another considerable aid you designed his majesty, was unfortunately lost in the birth; so that the king was forced, for the carrying on of his affairs, much against his will, to put a stop to the payments out of the exchequer. He saw the pressures upon himself, and growing inconveniences to his people, by great interest; and the difference, through all his business, between ready money and orders. This gave the king the necessity of that proceeding, to make use of his own revenue, which hath been of so great effect in this war. But, though he hath put a stop to the trade and gain of the bankers, yet he would be unwilling to ruin them, and oppress so many families as are concerned in those debts: besides, it were too disproportionable a burthen upon many of his good subjects. But neither

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1672-3.

the bankers nor they have reason to complain, if you now take them into your care, and they have paid them what was due to them when the stop was made, with six per cent. interest from that time. The king is very much concerned, both in honour and interest, to see this done: and yet he desires you not to mis-time it, but that it may have only the second place; and that you will first settle what you intend about the supply.

“ His majesty hath so fully vindicated his declaration from that calumny concerning the papists, that no reasonable scruple can be made by any good man. He hath sufficiently justified it by the time it was published in, and the effects he hath had from it; and might have done it more, from the agreeableness of it to his own natural disposition, which no good Englishman can wish other than it is. He loves not blood, nor rigorous severities; but where mild or gentle ways may be used by a wise prince, he is certain to choose them. The church of England, and all good protestants, have reason to rejoice in such a head and such a defender. His majesty doth declare his care and concerns for the church, and will maintain them in all their rights and privileges, equal, if not beyond any of his predeces-

sors. He was born and bred up in it; it was that his father died for. We all know how great temptations and offers he resisted abroad when he was in his lowest condition; and he thinks it the honour of his reign that he hath been the restorer of the church: it is that he will ever maintain, and hopes to leave to posterity in greater lustre, and upon surer grounds, than our ancestors ever saw it. But his majesty is not convinced that violent ways are the interest of religion or of the church.

A. D.
1672-3.

“There is one thing more that I am commanded to speak to you of, which is, the jealousy that hath been foolishly spread abroad of the forces the king hath raised in this war; wherein the king hath opened himself freely to you, and confessed the fault on the other hand: for, if this last summer had not proved a miracle of storms and tempests, such as secured their East India fleet and protected their sea-coasts from a descent, nothing but the true reason (want of money) could have justified the defect in the number of our forces. It is that his majesty is providing for against the next spring, having given out orders for the raising of seven or eight regiments more of foot, under the command of persons of the greatest fortunes and

A.D.
1672-3.

quality. And I am earnestly to recommend to you, that in your supplies you will take into your consideration this necessary addition of charge.

“ And after his majesty’s conclusion of his speech, let me conclude,—nay let us all conclude,—with blessing God and the king : let us bless God that he has given us such a king, to be ‘ the repairer of our breaches’ both in church and state, and ‘ the restorer of our paths to dwell in :’ that, in the midst of war and misery, which rages in our neighbour countries, our garners are full, and there is no complaining in our streets ; and a man can hardly know there is a war : let us bless God that has given this king signally the hearts of his people, and most particularly of this parliament, who, in their affection and loyalty to their prince, have exceeded all their predecessors ; a parliament with whom the king hath many years lived with all the caresses of a happy marriage. Has the king had a concern?—you have wedded it. Has his majesty wanted supplies?—you have readily, cheerfully, and fully provided for them. You have relied upon the wisdom and conduct of his majesty in all his affairs, so that you have never attempted to exceed your bounds, or to impose upon him : whilst the king, on the other hand,

hath made your counsels the foundations of all his proceedings; and hath been so tender of you, that he hath upon his own revenue and credit endeavoured to support even foreign wars, that he might be least uneasy to you or burthensome to his people. And let me say, that though this marriage be according to Moses' law, where the husband can give a bill of divorce, put her away, and take another, yet, I can assure you, it is as impossible for the king to part with this parliament, as it is for you to depart from that loyalty, affection, and dutiful behaviour you have hitherto showed towards him. Let us bless the king for taking away all our fears, and leaving no room for jealousies; for those assurances and promises he hath made us. Let us bless God and the king that our religion is safe; that the church of England is the care of our prince; that parliaments are safe; that our properties and liberties are safe. What more hath a good Englishman to ask but that this king may long reign; and that this triple alliance of king, parliament, and people, may never be dissolved."]

A. D.
1672-3.

Lord Shaftesbury having been much reflected on by Bishop Burnet, and other writers, for this speech, it may be proper to leave a few observa-

Observations upon it.

A. D.
1672-3.

tions with the reader, and let him form his own judgment of the matter.

When the chancellor delivered this speech, the king was still sitting on the throne, and in his robes.

He began the speech with these words, "My lords, and you the knights, citizens, and burgesses of the house of commons." Whenever the chancellor uses this form in speaking, it is known to be in effect the king's speech, and that he is only the mouth by which it is delivered. He cannot as a private lord, or as lord chancellor, without the king's command, address himself in this manner to the two houses.

The chan-
cellor only
spoke *ex*
officio.

The speeches usually delivered by the lord chancellor at the meeting of parliament were explanatory of the king's. They were drawn up in council, and so were made acts of state, which the chancellor was obliged, *ex officio*, to repeat, without a power in himself to add, diminish, or alter them in any particular.

To make it evident that they were drawn up in council, and that this was the constant form quite through King Charles's reign, let it be observed, that when Sir Orlando Bridgeman, as lord keeper, had the seals before Lord Shaftesbury,

and Sir Heneage Finch had them after, with the same title, the king always ended with these words, "I leave the rest to my lord keeper;" and the lord keeper began in the words before mentioned, "My lords," &c. Now the lord keeper, not being a lord of parliament, had no right to speak anything in the house but what was in direct command from the throne; yet it may, with the same propriety, be said, that the lord keeper made a speech at such a time in the house of lords, as that Lord Shaftesbury did when he delivered the *delenda est Carthago*.

A. D.
1672-3.

The houses were accustomed to return thanks to the king for the speeches; and it appears, by the journals, that they used to desire the king, that his and the lord chancellor's, or lord keeper's, speeches might be printed: but the king had no power to order the printing of a private speech.

Mr. Stringer asserts, that Lord Shaftesbury had actually prepared a speech, which was afterwards entirely changed in the council. This, he says, he more particularly remembers, because Lord Shaftesbury, before he carried it to the king and council, desired him to transcribe two copies of it, one to be entered in the journals of the house of lords, the other in the journals of the house of

Mr. Stringer's account
of the affair,

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1672-3.

commons: at the same time he complained that it was much more troublesome to him to learn even his own speech, and speak it in the very words it was drawn in, than it would be to speak to the same purpose extempore.

and Mr. Le
Clerc's.

Mr. Le Clerc gives the following account of this affair.* “It is known that King Charles the Second at that time entered into a war, jointly with France, against the United Provinces; but as the money, with which France was to furnish him for this, was not sufficient, he was willing to try if he could get it from his parliament. For this purpose, a draught was made in council of what the chancellor should say, after the king had done speaking, to exhort the parliament to approve of the war which the king had declared against the United Provinces. The first sketch of the speech was thought too weak by the king and council, and therefore altered, contrary to the advice of the lord chancellor; and they inserted these words of Cato, *DELEND A EST CARTHAGO*, as if it was the interest of England that Holland should be entirely ruined. This being resolved on, the chancellor was obliged to deliver the speech as formed by them.

* Bibliothèque Choisie, tom. vi. p. 362.

“My Lord Shaftesbury, upon this, expressed great uneasiness to Mr. Locke, and another of his friends,* who has since left an account of it in manuscript. Nevertheless, the chancellor was only looked upon as the mouth of the king; not speaking in his own character, and even often contrary to his sentiments.

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1672-3.

“The Earl of Shaftesbury was obliged to learn the speech by heart; and, though he had a great facility in speaking, and an extraordinary presence of mind, he was so much disordered, that he kept Mr. Locke behind him with the speech in his hand, in order to help his memory if he should falter.

“This affair made a great noise in Holland; and those who did not know that the lord chancellor spoke only *ex officio*, and that these were not his own sentiments, conceived a bad opinion of him.”

Though Bishop Burnet says, “Lord Shaftesbury made a base complying speech in favour of the court and the war, yet he acknowledges that, after Lord Clarendon’s time, who had been used to draw up all the speeches, these were formed by the council in general, one putting in one thing, and one another.”

Bishop
Burnet’s ac-
knowledg-
ment.

* This was probably Mr. Stringer.

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1672-3.
Duke of
Buckingham's testi-
mony.

As a confirmation of what Mr. Le Clerc says, that this speech was contrary to the sentiments and advice of Lord Shaftesbury, it may be right to mention, once more, the question which was put to the Duke of Buckingham by the speaker of the house of commons, and the duke's answer.

Question XI. "By what counsel was the war begun without the parliament, and thereupon the parliament prorogued?"

Answer. "My Lord Shaftesbury and I were for advising with the parliament, and averse to the prorogation."

Lord Clarendon's
conduct in
a similar
case.

During the first Dutch war, when the parliament met at Oxford, October the 10th, 1665, the king, in his speech, demanded a supply for carrying on the war; and, when he had finished his speech, Lord Chancellor Clarendon delivered one, as mentioned before, in which he set forth the several injuries and insolencies received from the Dutch, and the necessity of vindicating the rights and honour of the nation. Yet Lord Clarendon was known to be averse to the war, and has never been censured for his speech on that occasion.

If the reader, still dissatisfied with Lord Shaftesbury's delivering this speech, is of opinion that he should rather have given up the seals, it ought

to be considered that the war had been entered into almost a year before, and his leaving the court could not prevent the continuance of it; that this meeting of the parliament was owing to his advice and interest with the king; and that, if he had resigned his office, and quitted his station near the king, the houses would probably have been soon prorogued, and, consequently, the great designs which he had in view would have proved abortive.⁹⁴

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It is plain, from the great honours which the Dutch paid to Lord Shaftesbury when he retired into Holland, (as will appear in the sequel of his life,) that they did not think him the author of

⁹⁴ This elaborate apology is neither very new nor very successful. The same excuse was advanced at the time, and was afterwards severely handled by Roger North in his "Reflections on Mr. Le Clerc's Life of Mr. John Locke." Sir Walter Scott says, speaking of this speech, "The best apology offered for him by his defenders is, that being chancellor he was the mouth and organ of the council-board, and was obliged to deliver their sentiments, however little they might accord with his own. Whether he ought to have retained his office under such circumstances is a different question, which it is not difficult for integrity to answer." — *Somers' Tracts*, vol. viii. p. 37. The argument advanced in the text against this course of conduct, would be equally applicable in defence of any conduct of an able minister, however infamous that conduct might be.

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1672-3.

the speech above mentioned. On the contrary, they knew that he had given advice to the king which was evidently for their safety, upon the following occasion.

Ld. Shaftesbury's advice to the king in favour of the Dutch.

When the French monarch had made such a progress in his conquests that he came down to Utrecht, and struck the Dutch with such a consternation that they despaired of saving their country, Lord Shaftesbury used his utmost endeavours to rouse his master into a just attention to the designs of France, and a proper spirit for the interest of Europe.⁹⁵ He laid before him the fatal consequences of the French king's success, and the necessity of sending an embassy to stop his progress, in so clear a light, that Charles began to open his eyes. Accordingly, he sent the Duke of Buckingham, Lord Arlington, and (by Lord Shaftesbury's advice) Lord Halifax, to the French king at Utrecht, with proposals of peace. Lord Halifax had not, at that time, entered into

⁹⁵ In 1681, Barillon writes, that when Shaftesbury, at the end of the Dutch war, was advising Charles to quit the French and make a Spanish alliance, Charles asked him how much the Spaniards had given him? He answered, "Nothing at all." "Then," said the king, "you owe them nothing, for they offered Arlington forty thousand pounds."

the court measures. After the ambassadors had met together at the Hague, they made joint application to Louis, but their interposition with him was ineffectual; for he considered this embassy as forced, in a manner, upon King Charles, who would not have steadiness to support his own remonstrances; and therefore he slighted them.

A. D.
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CHAPTER II.

Proceedings of Parliament.—Supply granted.—Address against the Declaration of indulgence. — Opinion of the House of Lords.—Review of Lord Shaftesbury's Conduct with regard to this measure.—Declaration cancelled.—Test Act. — Lord Shaftesbury's opposition to the Popish Ministers.—Conclusion of his Speech to the Parliament.—His Address to the King.—Is dismissed from his office of Chancellor.—Review of his Political conduct.

A. D.
1672-3.

Proceed-
ings of par-
liament.

THE parliament answered the call thus made upon them. The house of commons immediately voted the king a supply of an eighteen months' assessment, of seventy thousand pounds a month. This was designed by the popish junto to raise an army, which was soon formed and encamped at Blackheath. Immediately after voting the supply, the commons addressed the king to call in his declaration of indulgence, which they unanimously voted to be against law. They ordered a bill to be brought in for the relief of the dissenters, by which all the penalties in the act of

uniformity were removed, and nothing required but taking the oaths of allegiance and supremacy. They presented to the king their complaints on the growth of popery, and desired that he would issue out a proclamation to command all priests and jesuits (with exception of those in attendance on the queen) to depart the kingdom within thirty days.

A. D.
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The vote of the house of commons against the indulgence was so disagreeable to Charles and the junto, that it was debated in the cabinet council,* whether the king should not prorogue the parliament, it being thought better to part with the parliament than with the declaration. Lord Shaftesbury, who had principally advised the calling of the parliament, spoke warmly against the motion for proroguing it. He told the king that he might judge, by the house of commons, what jealousies the increase of popery, and the apparent countenance which the papists received from the court, had raised in the nation; and if he should prorogue the parliament upon that point, he would expose himself so openly to censure that it might cause a great alteration in the minds of the people: and therefore it would be better to

Conduct of
the court
with regard
to the indul-
gence.

* Mr. Stringer.

A. D.
672-3.

acquiesce with the request of the commons, than think of so dangerous a counsel.

Lord Clifford's expedient.

This alarmed the king, and threw the junto into great confusion. On the other hand, they were resolved to maintain the declaration, for which Lord Clifford proposed an expedient; which was, that the king should ask the opinion of the house of lords, not doubting but that the peers would advise his majesty to support his declaration. He said it was presumptuous in the commons to arrogate to themselves a power of deciding matters of law, and much more to do it in prejudice to their sovereign: it ought, therefore, to be supposed, that their address proceeded from some misrepresentation of the king's judgment, as if, since the issuing of the declaration, he had changed his opinion about the legality of the proceeding; that if, in consideration of their vote, he should graciously condescend to have this branch of his prerogative tried in the supreme court of his realm, assisted by the judges, it was all they could reasonably expect; that this expedient, as it showed such great moderation, must produce a general satisfaction with his majesty's conduct; that it would put by the present thrust, and the king might keep himself on his guard against being

forced into a refusal of the commons' request, or a recalling of his declaration; and that it would give time to the supply to grow up and be perfected before the matter of prerogative could come to a final decision: by which means the king would either gain his point with the commons, or make a breach between the two houses, which might be a cover for his proroguing them.

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1672-3.

This advice was approved of. Lord Shaftesbury said nothing against it, foreseeing that the declaration would be opposed in the house of lords as well as in the house of commons, and particularly by the bishops, from their jealousy of the dissenters; and that the agreement of the houses in their sentiments might prevent a prorogation till some steps should be taken to secure the nation against popery.⁹⁵

Approved
of.

⁹⁵ It is difficult to conceive how, with Dalrymple's papers before them, the authors of this work could describe Shaftesbury's conduct thus favourably. It was Colbert's business to obtain correct information and to communicate it to his master, and he certainly wanted neither ability nor opportunities for the fulfilment of his task. On the 9th March 1673, he writes home to his court thus: "The chancellor, the treasurer, and the Dukes of Buckingham and Lauderdale, are of opinion to maintain this declaration of the king their master in favour of nonconformists; and that if the parliament persist in their remonstrances, as it is not doubted they will, to dissolve it and call another.

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The king's
application
to the house
of lords.

Bishop
Burnet's
account
of Lord
Shaftes-
bury's con-
duct.

In pursuance of Lord Clifford's advice, the king desired the lords' opinion whether, considering the circumstances of his affairs and the good effects which his declaration for indulgence had produced, they did not think it reasonable that he should continue to support it? As soon as he had ended his speech, the bishops and their friends appeared warmly against the declaration.

Bishop Burnet says, " Lord Clifford resolved to assert the declaration with all the force and all the arguments he could bring for it. He showed the heads he intended to speak on to the king, who approved of them, and suggested some other hints to him. He began the debate with rough words: he called the vote of the commons MONSTRUM HORRENDUM, INGENS; and ran on in a very high strain. He said all that could be said, with great heat and many indecent expressions. When he had done, the Earl of Shaftesbury, to the amazement of the whole house, said he must differ from the lord that spoke last *TOTO CÆLO*.

My Lord Arlington, who at present is single in his sentiments, says that the king his master ought not to do it." The declaration was afterwards given up upon the interposition of the French king, who of course supported his advice by a bribe. See Colbert's Letter to Louis, of 20th March 1673.—*Dalrymple*, p. 95.

He said, while those matters were debated out of doors, he might think, with others, that the supremacy, asserted as it was by law, did warrant the declaration; but now that such a house of commons, so loyal and affectionate to the king, were of another mind, he submitted his reason to theirs. They were the king's great council; they must both advise and support him: they had done it, and would do it still, if their laws and religion were once secure to them. The king was all in a fury to be thus forsaken by his chancellor; and told Lord Clifford how well he was pleased with his speech, and how highly he was offended with the other. The debate went on, and upon a division the court had the majority; but against that vote about thirty of the most considerable of the house protested: * so the court saw they had gained nothing in carrying a vote that drew after it such a protestation."

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Rapin takes no notice of this story of the bishop's; but, on the contrary, quotes Father Orleans, who says "that Lord Shaftesbury executed his resolution of quitting the king's party

Rapin's account of the same, from Father Orleans,

* If Bishop Burnet had consulted the journals of the house, (of which he was a member twenty-six years,) he would

have found there was no protest, nor even a dissent on the occasion.

A. D.
1672-3.

the day after the king resolved to revoke his declaration for liberty of conscience. It was eleven at night before the king had taken his last resolution; and the next morning the Earl of Shaftesbury appeared in the house of lords, at the head of the most violent party, against the catholic religion, the Dutch war, and the union with France."

and from
Echard.

Rapin afterwards gives another account of Lord Shaftesbury's acting in opposition to the court: "The Lord Treasurer Clifford, ignorant of Shaftesbury's intentions, paid him a visit the night before; and communicating to him a project for establishing a perpetual fund, to free the king from his dependence on the parliament, read to him a speech he had prepared to speak on the morrow, concerning this project, in the house of lords. The Earl of Shaftesbury seemed highly pleased with the speech, and desired to hear it again. The next day, the king and Duke of York coming to the house to countenance the project with their presence, the Lord Clifford spoke his speech. He had no sooner done than the Earl of Shaftesbury stood up, and answered his speech from the beginning to the end. He demonstrated the project to be ex-

travagant and impracticable ; that it would overturn the government, and perhaps send the king and the royal family abroad again, to spend their days in exile, without hopes of a return. If the treasurer's speech surprised the lords, who perceived the design of it, their astonishment was increased when they saw the chancellor, a leading member of the Cabal, declare so openly against the king. It is said, the Duke of York, whilst Shaftesbury was speaking, whispered the king, 'What a rogue you have for a lord chancellor!' and that the king replied, 'What a fool have you for a lord treasurer!'"

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1672-3.

Rapin copies this account from Echard, and says, after it, "I know not whether the truth of these particulars is to be relied on, some of which are improbable." The whole story, indeed, is improbable in the highest degree; for no scheme to raise money could be brought first into the house of lords: nor is there, in the journals of this house, any proceeding mentioned, which can throw the least light upon Lord Clifford's project or the nature of it.

The contradictions in these authors must be obvious to every reader, as they vary both with regard to time and to facts. Bishop Burnet says

Observations on these accounts.

A. D.
1672-3.

that Lord Shaftesbury's first declaring against the court was before the king resolved to cancel his declaration, and that it was occasioned by this very subject. Father Orleans asserts that it was afterwards. Rapin, from Echard, gives the account just related; and which, if it be true, renders it evident that Lord Shaftesbury was not in the secret designs of the Cabal, as has commonly been represented.

This project of Lord Clifford's was of the greatest importance: it was to make the king absolutely independent of the parliament. It had been concerted between the king, the Duke of York, and Lord Clifford, and was communicated to Lord Shaftesbury but the very night before the execution of it; at a time when they could not, with decency, have kept it secret from any officer of his majesty's in the house of lords, nor, with prudence, from any other lord by whom they expected it to be supported: the scheme was of the same extravagant nature with the shutting up of the exchequer, and appears to have been a child of the same father. If Lord Shaftesbury, therefore, opposed it in the house in the manner which is related, it must be al-

lowed that he spoke like a wise man, an honest Englishman, and a faithful minister.

A. D.
1672-3.

On the 3rd of March 1672-3, the lords, after a long debate upon the declaration, upon the address of the house of commons against it, and his majesty's answer, resolved to give advice to the king. On the next day, after another long debate upon the advice, they resolved, that the king's answer to the house of commons, in referring the points controverted to a parliamentary way by bill, was good and gracious, that being a proper and natural course for satisfaction therein. On the day following, they appointed a committee to prepare heads for a bill of advice in pursuance of the said vote, of which committee Lord Shaftesbury was one. The king therefore, to prevent any steps being taken by the lords which might be dissatisfactory to him, being disappointed in his expectation of their supporting him, finding the commons absolutely determined against the declaration, and being at the same time pressed by Lord Shaftesbury to cancel it and satisfy his parliament, (as Bishop Burnet allows,) called for the declaration on the 7th of March, and with his own hand broke the seal.

Proceedings of the lords concerning the declaration.

The declaration cancelled.

A. D.
1672-3.

The next day, Lord Shaftesbury told the lords that he had a particular affair to acquaint them with; which, though it was by his majesty's leave, was not by his command. However, he thought it his duty to acquaint the house, that his majesty had the last night caused the original declaration under his great seal to be cancelled in his presence; whereof he himself and several other lords of the council were witnesses.

Test act
brought in-
to the house
of com-
mons.

Lord Shaftesbury, having secured the sitting of the parliament, had an opportunity of showing his affection and zeal for the protestant cause. To weaken the interest and defeat the counsels of the adversaries to it, a bill was brought into the house of commons by his advice, and promoted by his friends, "for preventing dangers which might happen from popish recusants;"* by which every person in any office, civil or military, was obliged to receive the sacrament of the Lord's Supper in the manner of the Church of England, and to subscribe a declaration against the belief of transubstantiation. Whoever refused or neglected this was rendered incapable

* Echard says, "This bill was particularly promoted, if not invented, by the Earl of Shaftesbury, who resolved to strike directly at the Duke of York and his friends."—*Echard*, tom. iii. p. 321.

of holding any office or employment; and, besides other penalties, adjudged to pay a fine of five hundred pounds.

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Though the bill passed with ease through the house of commons, it met with great opposition in the house of lords from the Dukes of York, Buckingham, and Lauderdale, Lord Arlington and Lord Clifford, who exerted their whole strength and interest against it. Lord Shaftesbury* was so strenuous for it, and spoke with such force, that he convinced the majority of the house of its being necessary for the security of the protestant religion. The bishops and their friends, who had appeared so vigorous for cancelling the declaration, could not refuse their compliance with this bill, which did the papists no other harm than removing them from places of power and trust in the nation; so that it passed into a law, and had the effect which Lord Shaftesbury designed; the Duke of York being removed from the privy council, and obliged to

Opposed in
the house of
lords.

Supported
by Lord
Shaftes-
bury.

Passed.

* "Upon this occasion it was, that the Earl of Shaftesbury, though then Lord Chancellor of England, yet engaged so far in defence of that act and of the protestant religion, that in due time it cost him his place, and was the first moving cause of all those misadventures and obloquy which he since lies under."—*Andrew Marvel's account of the growth of Popery.*

A. D.
1672-3.

resign all his places. Lord Clifford lost his white staff;* many of the papists their civil employments, and several officers their commissions; in consequence of which that party was much weakened and discouraged.

The test act was, not only at that time but afterwards, looked upon as one of the strongest bulwarks against popery, and as the peculiar object of the dislike and jealousy of the papists. This was evident when the Duke of York came to the crown: for he endeavoured very early to get it repealed; and, upon the parliament's refusing to do so, he dissolved the house, and assumed to himself a power of dispensing with the act; a circumstance which contributed in no small degree to the revolution.

Other bills
brought in.

For a farther security against popery, a bill was brought in to educate the children of the royal family in the protestant religion: another

* Bishop Burnet attributes Lord Clifford's removal to the speech which he had made in the house of lords for the declaration, by which the commons were so much incensed, that the king told the duke, Lord Clifford could serve him no longer. It is certain, how-

ever, that he was removed by the test; for he continued in the treasury two months after the sessions in which the act was passed, and did not resign his staff till the 19th of June 1673, on which day Sir Thomas Osborne succeeded him.

was prepared to prevent intermarriages between protestants and papists; and a third to grant indulgence to protestant dissenters: but before these could be perfected, the king, on the 29th of March, sent a writing under his hand that the house should be adjourned to the 20th of October; and thus this memorable session ended.

A. D.
1672-3.

A.D. 1673.

The house
adjourned.

Lord Shaftesbury showed, not only by his own conduct, but by the advice he gave to others, that he kept the welfare of his country always in his view. He thought that a king's interest ought never to be considered in a distinct and separate light from that of his people; and that the best service which could be performed for an English monarch by his ministers, was the securing the properties and strengthening the liberties of his subjects.

Lord
Shaftes-
bury's ad-
vice to Sir
Thomas
Osborne.

This appeared in his speeches to Sir Thomas Osborne⁹⁶ and Serjeant Thurland at their taking the oaths before him in the court of chancery: the first upon receiving the staff of lord treasurer, in the room of Lord Clifford; and the other upon being made a baron of the exchequer.

In his speech to the lord treasurer was the fol-

⁹⁶ Now created Earl of Danby, and afterwards Duke of Leeds.

A.D. 1673. lowing remarkable passage: "Kings are as Gods, and bestow honour, riches, and power where they please; but in this they are as men, that they can only choose, not make a person adequate to their employment: for if their choice be merely favour, not fitness, their omnipotency is quickly seen through. There is no more to be asked of you in this condition but that you know your own interest, and that will secure you to the king's and the nation's. I repeat them thus together, because *none but mountebanks in state matters can think of them asunder*. And let me say to your lordship that, however happy you have been in arriving to this high station, yet *parla tueri non minor est virtus*. Many great men have proved unfortunate in not observing that the address and means to attain great things are oftentimes very different from those that are necessary to maintain and establish a sure and long possession of them." The new treasurer thanked the lord chancellor in public; but the next day, when he had considered the turn of the speech, he sent to revoke his thanks, and from this time conceived a strong resentment against him, which broke out afterwards upon many occasions.

In Lord Shaftesbury's speech to Baron Thur-

land, the following expressions contained a lively A.D. 1673.
 proof of the tender regard which he had for the and to Ser-
 jeant Thur-
 ease of the people, as well as of his zeal for the land.
 interest of the king. "Let me recommend to
 you so to manage the king's justice, and the
 revenues, as the king may have most profit and
 the subjects least vexation. Raking for old debts,
 the number of informations, projects upon con-
 cealments, I could not find, in the eleven years'
 experience I have had in this court, ever to ad-
 vantage the crown; but such proceedings have,
 for the most part, delivered up the king's good
 subjects into the hands of the worst of men."

The spirit that had been worked up in parlia-
 ment by Lord Shaftesbury, alarmed the junto;
 and the army, which was encamped at Black-
 heath, was no less dreaded by the people. The
 papists were so incensed, so numerous, and so
 strongly supported, that daily insults were appre-
 hended from them; and Lord Shaftesbury, know-
 ing how obnoxious he was to them, in conse-
 quence of the frequent interruptions he had given
 to the advancement of their cause, kept his family
 well armed, and a constant guard in it all the
 summer. By his address he fomented a breach

The papists
 incensed.

A.D. 1673. between the parties of jesuits and the jansenists, which, for a time, disconcerted all their measures. The former asserted the absolute supremacy of the pope, and were for an immediate change of religion by the most violent methods. The jansenists, who were apprehensive of the growing power of the jesuits, were for proceeding in a slower way, and for introducing popery by a gradual reconciliation of the church of England with the church of Rome.

Lord Shaftesbury fomented a breach between the jesuit and jansenist parties.

Of the first of these parties, were the Duke of York, Lord Clifford, Earl of Norwich, (afterwards Duke of Norfolk,) Lord Arundel of Wardour, Lord Stafford, and others. Of the latter, were the Earl of Berkshire, Lord Carlingford, Lord Petre, and Lord Viscount Mountacute, who were assisted by Lord Arlington.

The jansenists had frequent consultations, in which Sir Ellis Leighton acted as secretary, and drew up their results; which were afterwards communicated to those of their party who did not appear amongst them. Mr. Bennet, a friend of Lord Shaftesbury, by means of a mistress of Sir Ellis, got copies of the papers, and delivered them, from time to time, to Lord Shaftesbury; who, by this means, was enabled to work up the

breach between the jesuits and the jansenists, and A.D. 1673.
to conduct things in such a manner as to procure
these last to declare against the violent proceed-
ing of the others.

Lord Shaftesbury, upon all occasions, exposed His free ad-
vice to the
King.
the conduct of the popish junto to the king; and
sometimes made him so sensible of the dangerous
consequences of their transactions, that Charles
gave them marks of his dissatisfaction, and, at
such times, would swear to abide by his chancel-
lor's advice, and never quit him or forsake the
protestant cause. But Lord Shaftesbury, being
so much engaged in the court of chancery that
he could not often be in private with his majesty,
and having many powerful enemies at court, who
had more frequent opportunities of insinuating
their advice, the king gave too many proofs of
the unsteadiness of his temper. He quite forgot
his promises to Lord Shaftesbury, in his absence;
and as often renewed them in private conversa-
tion. However, though Lord Shaftesbury's en-
deavours to draw the king off from the junto
were unsuccessful, he prevented his taking any
violent measures; and, with great difficulty, se-
cured the nation, till the meeting of the parlia-
ment in October, from the dangers which were

A.D. 1673. threatened by the Blackheath army and the counsels of the popish faction.

Match recommended to the Duke of York.

About this time, the treaty of marriage between the Duke of York and the Archduchess of Inspruck was broken off; for, the empress dying, the emperor married the archduchess himself. The court of France, to secure the duke, if possible, still more in its interest, recommended to him a match with Mary d'Esté, Princess of Modena. She was young and beautiful, of a house entirely attached to the French, and a relation of the pope. To engage her friendship still more, the French king agreed to pay her portion, and to adopt her for a daughter of France.

Opposed by Lord Shaftesbury.

Lord Shaftesbury, foreseeing that this match would engage our court still farther in the interest of France, represented to the king the ill consequences of the marriage, and how greatly it would disquiet the minds of the people, too much inflamed already by their apprehensions of popery. But all his arguments were ineffectual, and only incensed the Duke of York and the French party, the more against him.

Meeting of parliament.

As the parliament had only been adjourned, Lord Shaftesbury advised his friends among the commons to complete and despatch, at their

meeting on the 20th of October, the bills then depending in the house; particularly, the bill for preventing intermarriages between the protestants and papists, and that for the ease of protestant dissenters. A.D. 1673.

To obstruct the finishing of these bills, the king was prevailed on to prorogue the parliament, on the 20th of October, to the 27th; because, upon a prorogation, all business depending in either house, except judicial proceedings, must begin again. As, by this prorogation, the first of these bills could not be finished soon enough to obstruct the marriage, Lord Shaftesbury, still earnest for its prevention, desired the leading members of the commons, who took their measures from him, to present an address to the king against the match. Prorogued
for seven
days.

In order to animate the parliament to some public step, when it met on the 27th of October, Lord Shaftesbury, after he had delivered the speech appointed by the king, concluded in the following remarkable manner: Conclusion
of Lord
Shaftes-
bury's
speech to
parliament,
Oct. 27th.

“ My Lords and Gentlemen,

“ I have no more in command; and, therefore,
I shall conclude with my own hearty prayers that

A.D. 1673. this sessions may equal, may exceed, the honour of the last; that it may perfect what the last began, for the safety of the king and kingdom; that it may be for ever famous for having established, upon a durable foundation, our religion, laws, and properties: that we may not be tossed with boisterous winds, or overtaken by a sudden dead calm; but that a gentle fair gale may carry you in a steady, even, and resolved way into the ports of wisdom and security."

Proceed-
ings of the
commons.

This public sanction to the vigorous proceedings of the last session, and this honest advice to pursue the same, coming from such a quarter, had a proper effect upon the parliament. On the 31st of October, the commons (as Lord Shaftesbury had privately advised some of the principal members) presented an address to the king against the marriage of the Duke of York with the Princess of Modena. They bound themselves by a vote not to take into debate the consideration of any further aid or supply, or charge upon the subject, (unless the obstinacy of the Dutch should make it necessary,) before the kingdom was effectually secured from popery and popish counsel-

lors. They also voted “ a standing army to be a grievance and a burthen to the nation.” A.D. 1673.

Whilst they were pursuing these vigorous measures, a bill was brought into the house of lords for encouraging the manufactures of England; but the houses had not time to make any further progress in the public service.

The popish junto at court were exasperated at Lord Shaftesbury for presuming to give his own advice to the parliament, in the presence, and, in a manner, under the countenance of the king. In this he certainly exceeded his commission; for he could not, in strictness, add anything of his own after what he had delivered by command. They saw how great his influence was on the parliament; and thought that, whilst there was a chancellor who leaned so strongly to the popular side, some resolutions fatal to the cause of popery might be taken. They were apprehensive of the interest he had by being in so high a station, and feared his influence over the variable temper of the king. They perceived, likewise, that whilst he continued in council, he had the means of penetrating their designs, by which he generally prevented them; but, thinking it unsafe to re-

Popish junto exasperated at Lord Shaftesbury.

A.D. 1673. move and irritate him in the present disposition of the house of commons, and during its sitting, they resolved, as a preparatory step to his disgrace, to engage the king to dissolve the parliament.

They endeavour to persuade the king to dissolve the parliament.

On the 3rd of November, the king being at supper at the Duchess of Portsmouth's, the French ambassador, the Portuguese minister, Lord Treasurer Danby, Lord Arundel of Wardour, the pope's nuncio, and some others, were likewise there. After the king had drunk freely, the company turned the discourse on the conduct of the house of commons, and on the opposition it had lately made to the court in relation to the duke's marriage, the declaration, and the test act. Their conduct with regard to these measures was strongly commented upon and greatly magnified: they advised, therefore, that Charles should either render himself more independent of his parliament, or part with it.

To induce him to this, the French ambassador assured him of supplies of money and men from France; and produced letters giving an account of his master's success in Flanders, to show that Louis was in a condition to make good the articles of the treaty of Dover, by which he had en-

gaged to furnish Charles with a large body of A.D. 1673. troops. It was also represented to him how much he might depend on the army in England, and on that of Scotland, where the Duke of Lauderdale presided.

Charles's great weakness was a want of steadiness and too ready a compliance with every proposal. Accordingly, in the humour he was worked up to by drinking, and by the discourse of the company, such an impression was made upon him, that he promised to dissolve the parliament the next day. However, upon cooler reflections in the morning, he changed his mind, and instead of a dissolution resolved upon a prorogation.

The king determines to prorogue it.

Having formed his resolution, he sent for Lord Shaftesbury, who was just going to Westminster Hall, and taking him into his closet, after some immaterial conversation, asked if he had brought his robes. Lord Shaftesbury was much surprised at the question; upon which the king assured him that though, for some reasons, he had agreed to prorogue the parliament that morning, he would never forsake either him or the protestant interest, but would be steady to what he had always promised.

Lord Shaftesbury immediately answered, "Sir,

A.D. 1679. they who have prevailed with you to prorogue the parliament, will not stop here. I fear your compliance with this may prove of dangerous consequence to yourself and the nation. In case you had to deal only with fools, the people would bear a great deal before they would turn upon you ; but they are such busy fools, that they will quickly bring you into destruction. If my advice might have prevailed, I would have engaged my life and fortune to have made you the most beloved and powerful prince in Christendom : but, sir, though I must ever hold myself obliged to you, and shall run any risk in my power to save you, yet I see you have taken such measures, and are gone over to a party so contrary to the interest I have been always contending for, that I am not able to serve you ; and am satisfied your next step must be to send for the seals from me. But, sir, you may fancy what you please of the Romish religion, I shall leave this as a maxim with you : if you eat sage and butter in the morning, and govern well, it will make you more healthy and happy here, and bring you to heaven much sooner, than popery or the exorcisms of its priests."

Lord
Shaftes-
bury's ad-
dress to the
king.

When Lord Shaftesbury came out of the closet,

he sent a servant for his robes; and, in his way to Westminster, told Mr. Stringer what had passed between the king and him, and that he thought the nation very near its ruin. On that day, November the 4th, the king prorogued the parliament to the 7th of January following.

A.D. 1673.

The parliament prorogued.

Three days after the prorogation, Lord Shaftesbury went to the council, in expectation of the sheriffs being pricked for the ensuing year: but, as it was determined that the seals should be taken from him, it was not thought proper by the court that he should have any share in naming the sheriffs; and therefore, the king coming late to the council, this business was postponed till another day.

Seals intended to be taken from Lord Shaftesbury.

When the king left the council chamber, Lord Shaftesbury followed, and spoke to him with such freedom of the bad state of affairs, by the prorogation of parliament, the continuance of the Dutch war, and the troubles which must attend an adherence to popish counsels and the French interest, that the king seemed to be much affected. This was, however, of short duration; for on Sunday morning, the 9th of November, when Lord Shaftesbury went to court, he judged from several circumstances that the seals were then to

A.D. 1673. be taken from him. He presently attended the king in his closet, while the attorney-general and others were in expectation of his returning without the purse. Being alone with the king, he said, "Sir, I know you intend to give the seals to the attorney-general; but I am sure your majesty never designed to dismiss me with contempt." The king replied, "God's fish, my lord, I will not do it with any circumstance that may look like an affront." "Then," said he "your majesty will permit me to carry the seals before you to chapel, and send for them afterwards from my own house?" The king, who had still a regard for him, and probably was not displeased with the humour of his design, readily complied, and told him he would send for the seals at four o'clock in the afternoon.

Lord Shaftesbury entertained his majesty in conversation, purposely to amuse the courtiers and the attorney-general, who, he believed, was in the greatest anxiety for fear the king should be prevailed on to change his mind. The king and the chancellor came out of the closet smiling and talking together, as they went to the chapel; which was so contrary to the expecta-

tion of those who were present, that some went A.D. 1673.
immediately and told the Duke of York* that
all their measures were broken.

After sermon, Lord Shaftesbury carried the seals home with him, and, at the time appointed, Mr. Secretary Coventry went with a warrant for them, and said, "My lord, you are out of danger and at ease, but we are in a way to be ruined. I desired to be excused from this office; but, being your relation and friend, they put it as an affront upon me." Lord Shaftesbury He gives up the seals. delivered the seals with great cheerfulness, saying, that whilst he had them, he had given the king what he thought the most seasonable and just advice for his welfare and the good of the public: then, with a pleasant air, he added, "It is only laying down my gown, and putting on my sword;" which he immediately ordered to be brought.

The removal of Lord Shaftesbury was of no advantage to the court. As the reasons of it were soon known, it was freely arraigned and condemned by the public, and contributed much to his reputation and interest.

* Echard, who likewise tells the Duke of York and the this story, allows that he was popish faction.
turned out by the interest of

A.D. 1673.

Regard
paid to him
by Prince
Rupert and
others.

The same day, as we are informed by Dr. Kennet,* he was visited by Prince Rupert and most of the peers and persons of quality about town, who acknowledged that the nation had been obliged to him for the just discharge of the trust that had been reposed in him, and returned him their thanks.

Prince Rupert was a steady friend to the protestant and English interest; and, as he had been one of the council from the time of the Restoration, he must have been well acquainted with Lord Shaftesbury's conduct as a minister of state. This compliment, therefore, from him, and from other persons of distinction, shows that Lord Shaftesbury had, both in council and in parliament, opposed the arbitrary views of the court. This, too, is confirmed by the prosecutions which according to Kennet, the papists set on foot against him; in which Colonel Conquest was their principal agent. All the offices wherein he had been concerned were narrowly inspected; but when the king's council had examined the several articles industriously collected for a charge against him, they declared them insufficient.

Vain attempt to form a charge against him.

The king's council could not be so much at-

* Kennet, vol. iii. p. 324.

tached to Lord Shaftesbury as to the court: this A.D. 1673. declaration, therefore, with the strict inquisition made into his conduct by his enemies, who were not deficient either in power or animosity to carry it on, is an ample proof of his integrity in places of the highest trust in the nation; in one of which he had been above eleven years. It is, likewise, an evidence that the popish junto were greatly inflamed against him. They knew how much he had obstructed their designs in private, and they dreaded his abilities now that they had driven him into an open opposition.

As he was not made lord chancellor till the 17th of November 1672, and as, in so short an interval as between this time and the 4th of February following, when the parliament met, Lord Clifford and the other ministers (as Bishop Burnet acknowledges) had engaged their friends in the house of commons to attack him, on the very meeting of the parliament, for issuing the writs during the prorogation, it is probable that there was no union between him and the rest of the ministry before he was chancellor; that he was advanced to this post with a design to ruin him, or because they could not prevail on the king to part with him; and that the speech

Designs of
his ene-
mies.

A.D. 1673. against the Dutch was calculated to expose him to the resentment of the nation.

This last opinion is strengthened by the circumstance that, after he had delivered the speech, the king spoke a second time, which never happened before, and mentioned the issuing of the writs, desiring the commons not to enter upon any other business till they had examined that particular. This seemed to be the result of a settled design, first to make the chancellor unpopular by the speech, and then to put the king upon recommending to the house to begin with the examination of that affair, upon which the ministry had resolved to engage their friends to impeach him. That the king should forget it in his speech, before the lord chancellor spoke, was very extraordinary: for the commons had, the day before, even previous to the choice of their speaker, complained of the writs; and it cannot be supposed that the king's first speech was an extempore one.

His behaviour as
lord chancellor.

As Lord Shaftesbury, when he was dismissed from his employment, received a public and uncommon testimony of regard from Prince Rupert and the other protestant lords for his conduct in the ministerial part of his office, so his

behaviour in the judicial part was attended with A.D. 1673. general applause. From the time when he received the seals, he applied himself with great zeal and assiduity to an honourable discharge of his high employment; not only by giving ease to the suitors by a patient hearing and quick determination of their causes, and preventing, to the utmost of his power, any unnecessary delays, but also by making the course of proceedings as open and as little burthensome as possible.

Though he had not the possession of the seals above a year, he took great pains to reform the court. This, however, he did not do in a hasty superficial manner, and with an absolute confidence in his own judgment; but when he had drawn up such regulations as he thought proper, he gave copies to the most eminent counsellors,* and desired their opinions in writing upon every part of them. When he had compared and digested these opinions, he formed his regulations,†

* There is, among his papers, a collection of opinions of the attorney and solicitor general, Serjeant Maynard, Mr. Peck, and others, endorsed by Mr. Locke, upon
VOL. II.

the regulations made by Lord Shaftesbury in the register office, which abounded, at that time, with abuses vexatious to the suitors.

† A book of them is still re-
G

A.D. 1673. which are very explicit, and extend to every branch of the court.⁹⁷

He found the records in a very bad condition; many of them having been defaced, misplaced, or embezzled. In a letter to Sir Harbottle Grimstone,* Master of the Rolls, he represented the ill consequence of this state of the records, and desired that, where the originals were damaged, authentic copies might be engrossed and filed, and that, for the future, better care might be taken to preserve them.

Review of
his political
conduct.

Lord Shaftesbury having been represented as a restless and ambitious man, it may not be im-

maining, with the following title, "A collection of the orders heretofore used in chancery, with such alterations and additions thereunto as the Right Honourable Anthony Earl of Shaftesbury, Lord High Chancellor of England, by and with the advice of Sir Harbottle Grimstone, bart., Master of the Rolls, hath thought fit to ordain and publish for reforming of several abuses in the said court, preventing multiplicity of suits, motions, and unne-

cessary charge to the suitors, and for their more expeditious and certain course of relief."

* Sir Harbottle wrote him an answer, in which he acknowledged that Lord Shaftesbury justly called it a shameful complaint; said, that his predecessors had been very negligent therein; justified his own conduct by some steps which he had taken; and assured him he would, for the future, keep them in better order.

⁹⁷ See page 16.

proper to review his conduct from his first engagement in public affairs till his dismissal from them. A.D. 1673.

When he went to King Charles the First at Oxford, the scheme which he proposed was a neutral one, intended for composing the national dissensions. When, for his own safety, he was forced into the parliament's quarters, he accepted of a command only in his native county, which had been harassed by the king's troops; and when he had conquered and driven out these troops, he laid down his commission, and never held any lucrative employment either under the parliament or under Cromwell, whom he openly opposed.

For his important services in bringing about the Restoration, he was the first person admitted into the privy council; and the king voluntarily conferred on him the office of chancellor of the exchequer and under-treasurer.

He came into employment without the interest of others, and he always stood upon an independent footing; and although he was allowed, even by his enemies, to have a genius superior to all the ministers, he continued in the same post above eleven years without any advancement.

A.D. 1673. No instance has been produced, no accusation brought against him, that he endeavoured to raise himself higher, or that he formed any intrigue for that purpose.

During the short time that he possessed the seals, he was constantly employed in an honourable discharge of his trust, and in promoting, by his authority and interest, the welfare of the public; and, at length, he resigned his power with a content and an alacrity altogether inconsistent with the ambition ascribed to him.

CHAPTER III.

Lord Shaftesbury rejects an offer of a bribe from the French King.—Has a private audience with the King.—Enters into open opposition.—Measures of the Opposition.—Habeas Corpus Bill passed by the Commons.—Lord Shaftesbury retires into Dorsetshire.—His Letter to the Earl of Carlisle.—His influence in both houses.—Debates in the Lords.—Corruption of the Parliament.—Destructive Bill in the House of Lords—Opposed by Shaftesbury.

IMMEDIATELY after the removal of the Earl of Shaftesbury from the office of lord chancellor, intelligence was received of great disorders in Scotland. The Duke of Lauderdale's government in that country was so arbitrary and oppressive, and discovered so openly the designs of the court, that a general spirit of disgust and opposition was raised and spread among the people. The king therefore found himself deceived in his expectation of rendering the Scotch army subservient to his schemes of power.

A.D. 1673.

Disorders
in Scotland.

About the same time, Bonne was taken by the Prince of Orange. This disconcerted the measures of the French monarch so much, that King

Bonne
taken.

A.D. 1673. Charles had reason to believe he should not be supplied with the fifty thousand men who were engaged to be sent him when required.⁹⁸ These circumstances, together with the discontents which the king found were spreading amongst the people of England, and the spirit which he saw was rising in the parliament, filled him with no small degree of uneasiness.

The king's
complaint
to the Earl
of Oxford.

Under this anxiety, the king opened his mind to the Earl of Oxford, complaining how ill the junto had used him: that they drove him on with such violence that he was very much in doubt what might be the consequence; that he had had but one man about him on whose fidelity and wisdom he could rely, and they would never

⁹⁸ Charles had now abandoned his design of declaring himself a catholic, and was less inclined to venture upon the experiment of these foreign succours. In March of this year Colbert writes, "I did not think it was for your majesty's service to follow the measures you prescribed to me with regard to the offer of the troops with which you were willing to assist the king for the execution of his designs after the peace; for he is persuaded, as well as his ministers, that nothing is so capable of causing a general revolt in the nation as to show them that he can support his authority by foreign forces." Colbert promised any force that Charles might stand in need of; but assures his master that he has reason to believe that no very chargeable demand will be made on that head.—*Dalrymple*, p. 96.

let him be at rest till that man was dismissed ; A.D. 1673.
 that he had since found himself encompassed with
 so many difficulties that he must be obliged to
 recall Lord Shaftesbury, who was the most able
 to extricate him from them, and from whom he
 always heard his danger without reserve.

Some time after, Monsieur Ruvigny, the mi-
 nister from France, waited on Lord Shaftesbury.⁹⁹ Ruvigny's
 application
 to Lord
 Shaftes-
 bury.
 He first made him many compliments in the
 name of the French king, as well as King
 Charles, on his abilities as a statesman, his ad-
 dress in the most difficult affairs, his reputation
 with the people, and his fidelity in all public
 trusts ; after which, to convince him of the high
 esteem which the King of France in particular
 had for him, he desired his acceptance of ten
 thousand guineas as a present from that monarch,
 and importuned him to send for them in the
 afternoon. He told him farther, that King
 Charles not only approved of his offer, but was
 desirous he should accede to it ; and had besides

⁹⁹ Ruvigny was sent over in the autumn of this year to dis-
 suade Charles from his design of making peace with the Dutch.
 He offered an advance of the subsidy not yet due. Charles,
 however, pleaded the state of his affairs at home ; and it was
 probably upon this, that the French minister applied himself to
 the leaders of the popular party.

A.D. 1673 authorized him to say, that if he would return again to court, he might choose what preferment he pleased; and that, if he did not approve of the seals, he should have the white staff, and be raised to the dignity of a duke.

Lord
Shaftes-
bury's an-
swer.

Lord Shaftesbury answered, that he did not doubt, from these extraordinary offers, but it was expected he should adhere to the French interest, which he could never do whilst it was so incompatible with the interest of his country: that he was obliged to the French king for his favourable opinion, but could not by any means accept of the present designed for him; and even in case he should do it, he could perform no service in return, since no Englishman would follow him into an interest so evidently destructive to Great Britain; especially as the French king had lately given such umbrage by the increase of his shipping, and by his endeavours to obtain the sovereignty of the sea: that, if he had acquired any reputation with the people, it was because they believed he adhered to their rights and religion, and fell a sacrifice upon that account; and that as soon as they should find he had quitted them, they would leave him as speedily.* He desired

* Mr. Stringer, in his manuscript, says, that he was at Lord Shaftesbury's when Monsieur Ruvigny came thither,

Monsieur Ruvigny to represent him as full of duty to King Charles, and to assure him that he had still the same heart and disposition to serve him, if he could do it consistently with the interest of the protestant religion and the liberties of the people. A.D. 1673.

This conduct of Lord Shaftesbury in refusing a present, which he was solicited even by his own master himself to take, is illustrated by the following story, which is told by the Earl of Essex in a letter from Ireland. It relates to a chancellor of the Emperor Charles the Fifth, and may not be improperly introduced in this place, as the same arts were used with regard to Lord Shaftesbury, and with no greater success.

“The emperor had a person of extraordinary worth for his chancellor, who, having refused to pass an unreasonable grant, some of the courtiers took their opportunity, when the emperor was

and when he went out: that Ruvigny was in private with his lordship near two hours, with only one gentleman, who was the interpreter between them; for, though Lord Shaftesbury understood French, he was not ready in speaking it: that, immediately after Monsieur Ruvigny was gone, he had an account of this conversation, with much more to the same purpose, from Lord Shaftesbury, and from the gentleman who was interpreter. Some time after, Monsieur Ruvigny related to Lord Russell (who was his relation) his discourse with Lord Shaftesbury.

A.D. 1673. pleasant and in good humour among some of his merry companions, to prevail with him to send a positive command to his chancellor for passing the grant, which still the chancellor refused. These men of pleasure (the very pest and ruin of all courts wherein such insinuate themselves) failed not to exasperate the emperor against this minister; telling him he was affronted, and, if he suffered this, the chancellor was emperor, and not himself, with many other expressions of the like kind, as is usual upon such occasions; so that there was a second and third positive command, with promise of advantage, and, at last, with threats of losing his place in case he refused. But the chancellor, continuing firm in his resolution, still utterly denied putting the seal to the grant; whereupon these gentlemen thought they had now clearly gained their point, and rid themselves of this good minister, (whom they always found an obstructor of their exorbitant designs,) urging the emperor to make good his word, and send immediately for the seals: but this great prince replied, ‘Gentlemen, you are all mistaken; for this chancellor is an honest and true man, and so true to me that I myself cannot bribe him to be otherwise.’”

Lord Shaftesbury, not knowing in what light his interview with Monsieur Ruvigny might be represented, desired, by Mr. Chiffinch, a private audience of the king, who readily appointed him to be at eight o'clock that evening at Mr. Chiffinch's lodgings; where he gave his majesty an account of the whole conversation,* and was pressed by him, with more than ordinary warmth, to accept the offers. He told the king, in answer, that he could never undertake to support such measures as were, in his opinion, repugnant to the welfare of England and the protestant religion, and which could be formed only by French counsels. He once more endeavoured to convince him of the fatal tendency of these measures; and represented to him how much he would conciliate the affections of his subjects, and raise his reputation with foreign countries, by making a peace with the Dutch and joining the confederates, in order to check the dangerous and prevailing power of France. But the king was inflexible upon this point: Lord Shaftesbury, therefore, took his leave, saying that he should be always ready to serve him with zeal and fidelity when he could do it consistently with his sentiments.

A.D. 1673.

Lord Shaftesbury has a private audience of the king.

* Stringer.

A.D. 1673.

Reflec-
tions.

If Lord Shaftesbury's advice had prevailed, the repose of Europe might have been established. This was the crisis in which it could most effectually have been done ; as the common danger had before united the States General, the Emperor, the King of Spain, the Elector of Brandenburg, and other princes, in a league against France, into which King Charles might have entered, without being at any other expense than the pay and subsistence of his own troops.

If in that case the French king had continued the war, England, in conjunction with Holland, would have had an opportunity of destroying his naval strength, which afterwards became so formidable and so fatal to our trade. France, however, could not at that time have supported herself under the weight which England would have added to the confederates. The French king must, therefore, have submitted to such terms as would have been offered him ; in consequence of which his power would have been confined within proper limits, the protestant interest would have been strengthened, the liberties of Europe secured, and that deluge of blood prevented which has since flowed from almost every country as a sacrifice to the ambition of France.

Nothing is more difficult than the renewal of con- A.D. 1673.
federacies among princes when once they are dis-
solved by jealousy or self-interest. This has been
dearly experienced by England, which ever since
that crisis has been obliged to purchase allies, and
bear the chief burthen of the wars with France;
a burthen under which the nation now stoops,
and under which it must for a long time labour.

The king was attached to France by choice as
well as by engagements; and the principles and
inclinations of the Duke of York operated still
more steadily and zealously in its favour. The
Duchess of Portsmouth (the favourite mistress)
had no other views than to her own interest, which
was identified with that of France; and there
were few or no counsellors about his majesty but
such as were entirely under the influence of the
duke, as indeed was the king himself.

As Lord Shaftesbury's capacity was extensive,
so were the occasions on which it was employed.
He considered nothing which related to the pub-
lic to be beneath his knowledge and attention;
and, keeping in view the trade of England as her
principal strength and support, he thought that
her colonies required her more immediate care,
since, by being furnished from them with pro-

Lord
Shaftes-
bury's at-
tention to
the colony
of South
Carolina.

A.D. 1673. ducts for her manufactories, she would retain more of her wealth at home, be more independent of other countries, and be able to trade with them to greater advantage. He was, therefore, particularly solicitous about settling and establishing a new colony, which has since proved a considerable and increasing fund of wealth to Great Britain.

In the year 1663, King Charles granted, by charter, a large tract of land on the southern continent of North America to the Duke of Albemarle, Lord Clarendon, Lord Shaftesbury, and five other persons of distinction, for the establishment of a colony which was to be named South Carolina. The rest of the proprietors, from their confidence in Lord Shaftesbury's abilities, left the sole management of the affair to him; and, with the assistance of Mr. Locke, he framed the constitution, and drew up a body of laws for the good government of the province.¹⁰⁰ He nominated the governor and all the officers; and the care of transporting the first settlers, many of whom he assisted out of his own private purse, devolved entirely upon him. He afterwards kept up a regular correspondence with them, and was

¹⁰⁰ These were afterwards published.

always ready to hear the complaints of the mean- A.D. 1673.
est among them.

In a book containing copies of the letters that he sent thither from time to time, which is still remaining, there appears a great care of the people, a zeal for their rights, an enmity to oppressors, (even when they were his own friends, and employed by him,) and a love for liberty in general, which was certainly his prevailing sentiment. The reader, perhaps, will not be displeased with one or two of his letters written upon this account; as the openness of his temper and the greatness of his spirit are evident in them.

“ SIR,

Exeter House, June 20, 1672.

“ By the last that came hither from Carolina, I find that you were not received there with such general satisfaction, nor so forwardly admitted to the government we intended you, as, perhaps, you imagined. I am sorry to find any differences at all among you. The causes thereof I shall not enter into; but shall advise you, as my friend, not to make use of the government we have put into your hands, to revenge yourself on any who have spoken their apprehensions with that freedom which must be allowed men in a country

Two Letters
written by
him con-
cerning
Carolina.

A.D. 1671 wherein they are not designed to be oppressed, and where they may expect equal justice and protection.

“ I have too great a value for your condition and ability, not to desire the continuance of a right understanding between us; and therefore I must take the liberty to deal freely with you in a matter wherein we are both concerned; and tell you plainly that I cannot avoid thinking that the suspicions of those men who have expressed a fear of your management of the government had some grounds. It is in your power to set all right: I know you have dexterity enough to do it: you are now upon foundations of a larger extent than are usual, and, perhaps, than in other places you have met with; and if you will but suit your government to them, and direct it wholly to the impartial prosperity of the whole plantation and the planters in it, you will remove the jealousies which, I must tell you, some of the plantation have conceived of you; you will oblige the lords proprietors, and reap all those advantages which are sure to attend him who is the greatest and most considerable man in a thriving plantation, and who hath contributed much to the advancement thereof.

“ For my own part, I assure you that, having A.D. 1673.
set my mind on carrying on this plantation, and engaged my word that the people shall live safe there under the protection of a fair and equal government,—upon confidence whereof most of the planters have come thither,—I shall think myself extremely injured by any one who shall put such an affront upon me as to make those who trusted me be deceived ; and am resolved, at any rate, rigorously to require satisfaction of any one who, by any undue proceedings, shall discompose the quiet of this settlement. On the other side, I shall be as ready to acknowledge to any one whatever kindness they shall do, or assistance they shall give, to this plantation. I the more frankly make this declaration to you, Sir John, because you have already contributed much, and are like to do more, to the increase and growth of this place, where you have a considerable interest, which ought to make you have the same concernment for it that I have.¹⁰¹

“ I return you my thanks for the forward inclination you have shown to Carolina ; and tell

¹⁰¹ Shaftesbury's affection for this colony was afterwards yet more strongly shown. In 1681, when the earl was in custody, Sir Richard Bulstrode says, that he was assured upon good au-

A.D. 1673. you, moreover, that you have it in your hands, by endeavouring the public good of it, to make me your friend as much and as long as you please.

I am, Sir,

“ Your affectionate friend,

“ SHAFTESBURY.”

“ To Sir John.”

“ Exeter House, Nov. 27, 1672.

“ SIR,

“ Yours, of the 30th of September last, I have received ; and am glad to find that the tobacco of Carolina has so good a reputation amongst you. I was always confident, and am daily more and more confirmed, that it will prove the most flourishing plantation that ever was settled in America, if it be not overlaid or strangled in its infancy by those into whose hands we commit it.

“ Though I am willing to believe all that you say of Sir John, and to have as good an opinion of him as may be, yet I must deal freely with you, and tell you, I cannot foresee what advantage we shall receive from all those able parts

thority that he petitioned the king for his liberty, offering to transport himself to Carolina. This petition met with no notice. *Bulstrode's Memoirs*, p. 332.

you mention, if he proceeds as he hath begun. A.D. 1673.
Since he came in, we hear of nothing but wants and supplies. We must build a house for the governor, and we must make provision for the entertainment of the council; so that, if to take care of one, whatever becomes of the people—if to convert all things to his present private profit, be the mark of able parts, Sir John is without doubt a very judicious man.

“Notwithstanding all this, my dissatisfaction in him ceases as soon as he ceases to discompose their affairs; but you must give me leave to profess to you, that unless these things be cured, and I find that care be taken of the plantation, I shall not have patience quietly to sit still and look on whilst the colony is destroyed: and should it fall by his perverse and indirect management, the indignation of having a design of so fair hopes and so great consequence, on which I had set my mind, ruined by his covetousness or ambition, will make me require satisfaction in the remotest part of the world; for in this, which is my darling, and wherein I am intrusted also by others, I cannot suffer myself and them to be injured by anybody without great resentment.

“I have writ thus plainly to you, because I

A.D. 1651 take you to be a friend to us both ; and I desire to be so to Sir John, as soon as, by an easy turn of himself, and his taking care of the public concernment there, he shall give me occasion.

“ I am,

“ Your very affectionate friend,

“ SHAFTESBURY.”

“ To Sir Peter Colleton,
at Barbadoes.”

Lord
Shaftesbury
openly op-
poses the
court mea-
sures.

As Lord Shaftesbury, whilst employed by the court, had used his utmost endeavours to free the king from the influence of French and popish counsels; had often obstructed the measures of the junto; had, by the test act, removed the Duke of York from his places and purged the offices of papists; as he had a perfect knowledge of the designs of the ministry and the tendency of them; so he now appeared, in a more open manner, the boldest and most strenuous assertor of the English and protestant cause. He had, with a wonderful address, raised a powerful opposition in the house of commons, where none of any consequence had shown itself before; in a house of commons so devoted to the king that it thought it could not give him too much, or carry his prerogative too

high; a house of commons which had taken some A.D. 1673. steps in corruption, and was sinking deeper into it; and this opposition he ever afterwards, with as surprising a steadiness, supported. He continued the head and spirit of it till the time of his death.

This character neither his knowledge, his sagacity, his eloquence, his application, his steadiness, nor all conjoined, could have qualified him for without a known and consummate integrity. Mankind are not long to be deluded with specious appearances; and he that will be followed for a length of time, must convince them that he can be trusted.

Some writers have confidently asserted, that this opposition, though right in itself, was, in Lord Shaftesbury, founded upon wrong principles, and chiefly on his revenge for being out of place; that his enmity to arbitrary power was only a pretence, and his zeal for the protestant religion no more than an engine of popularity. Such general assertions are easily made, but they merit no regard unless supported by proof. If Lord Shaftesbury's opposition was owing to resentment, and this to his being out of power, the restoring him to power again would have re-

Vindication
of his con-
duct.

A.D. 1673. moved that resentment. King Charles and the Duke of York had great points in view, the conduct of which required the subtlety of the ablest politicians. The king knew the superiority of Lord Shaftesbury's parts, and his influence both with the parliament and the nation. If Lord Shaftesbury, therefore, had no restraint of principle, his ambition would naturally have led him into the interest of the court; and it was the interest of the court to gratify his ambition to its utmost extent.

A. D.
1673-4.
Meeting
and pro-
ceedings of
parliament.

The parliament met on the 7th of January 1673-4, and immediately took into consideration the several grievances of the public; the growth of popery, the great power of France, and the continuance of the Dutch war. The house of lords addressed the king to issue a proclamation requiring all papists and reputed papists to remove out of London and Westminster during the session of parliament. Both houses afterwards addressed the king for a general fast to implore the divine protection against the efforts of popery. The design of this was to give the alarm through the nation; and it had its effect, by opening the eyes of the people, and showing them that their religion was in danger.

The commons presented, likewise, an address to the king, that the militia of the city of London and county of Middlesex might be in readiness, at an hour's warning, to suppress any tumultuous insurrections which might be occasioned by papists or any other malcontented persons. They then began an attack upon some of the ministers. They unanimously voted that an address should be presented to the king "to remove the Duke of Lauderdale from all employments, and from his presence and counsels for ever ; being a person obnoxious and dangerous to the government." They drew up articles of impeachment against Lord Arlington¹⁰² for his open protection, while secretary of state, of the Roman catholics ; and for other advices and actions, as having been pernicious and illegal. They resolved to proceed in the same manner with the Duke of Buckingham, who, desiring to be heard

A. D.
1673-4.

¹⁰² It is a remarkable instance of that generous feeling which was before shown in the case of Mr. Denzil Holles, that, although Shaftesbury was now in possession of the secret of the first treaty with France, and although Arlington had been active in procuring his disgrace, he now made no use of this important discovery. Had Shaftesbury discovered this treaty to the commons, nothing could have saved Arlington from the scaffold.

A. D.

1674

at their bar, answered those queries which, as is before related, were put to him by the speaker, in which he endeavoured to justify his own conduct in some particulars, under the sanction of Lord Shaftesbury's.¹⁰³

They then proceeded to prepare several bills for the security of the government and the suppression of popery. They advised the king to make a separate peace with the Dutch; resolved to address him to disband all the forces raised since 1663; and appointed a committee to inspect the laws lately made in Scotland, whereby an army* was authorized to march directly into England or Ireland by the sole direction of the council of Scotland. They took into considera-

* The act for raising this army in Scotland was passed in 1669, by the artifice and influence of Lord Lauderdale, the king's commissioner. An account of it is given in a letter from him to King Charles, and is the same which Bishop Burnet says Lord Lauderdale was to be impeached upon.—*Burnet's History*, vol. i. p. 286.

¹⁰³ Buckingham threw all the blame upon Arlington, who, notwithstanding the ridicule his appearance and manner excited at court, (see the *Memoirs of De Grammont*,) defended himself so well that the proceedings were abandoned. In the debate upon Buckingham's case, there are many circumstances mentioned that give an idea of the wild pranks which the king and his ministers joined in.

tion, likewise, the state of Ireland, with regard to religion, the militia, and the forces of that kingdom.

A. D.
1673-4.

Lord Shaftesbury, who had infused this spirit into the house of commons, contrived and promoted, by his friends, a bill "for better securing the liberty of the subject." The house appointed a committee to inspect the laws, and to consider how the king might commit any subject by his immediate warrant, and how the law then stood touching the committing of persons by the council table. Upon the report from the committee, a bill was ordered to be brought in concerning writs of habeas corpus, which was read three times, and passed the house.¹⁰⁴ It did not, however, pass into an act at this time; for the king, alarmed at the vigour of the commons, on the 24th of February, prorogued the parliament to the 10th of November following, before any bill was ready for the royal assent. The prorogation was afterwards continued, and lasted about fourteen months.

Parliament
prorogued.

After this prorogation, Lord Shaftesbury retired to his seat in Dorsetshire, where he lived

¹⁰⁴ February 7.

A.D.
1673-4.

in a manner becoming the ancient hospitality of a nobleman, and suitable to his estate, which was not in the least improved by the valuable offices he had enjoyed.

As his removal from the place of chancellor was known to be owing to the Duke of York and the popish faction, it added lustre to his character, and greatly increased his popularity among his countrymen.

In order to lessen this popularity, reports were industriously propagated that he was about to return to court, and that some great office was to be given him; but, having fixed his resolution never to enter into the measures of the junta, he resolved, at the same time, to obviate these reports by remaining in the country till his duty in parliament should summon him to town.

The spirit which had been raised in parliament soon exerted and diffused itself through the nation. The influence of the Duke of York, the danger of popery, the power of France, and the mal-administration of the ministry, were the universal topics of discourse and the constant subjects of censure.

A.D. 1674.
Arbitrary
proclamation.

To check and stifle this spirit, a proclamation was published in the London Gazette, May the

7th, 1674; strictly forbidding all persons “ to A.D. 1674.
intermeddle with the affairs of state and govern-
ment, or with the persons of any of his majesty’s
counsellors or ministers, in their common and
ordinary discourses; and farther declaring, that
his majesty would proceed with all severity, not
only against such persons, but also against those
who should be present where such speeches were
used without revealing the same in due time.”

This was a step worthy only of a despotic
government, and an equal proof of the wicked-
ness and weakness of the ministers. They be-
trayed by it, to the public, a consciousness of
having acted ill, and a resolution to persist in
doing so; and they fled to an asylum in which
they could not hope for a protection. To shut
the eyes, or stop the ears, of people in danger of
shipwreck, is impossible; and, therefore, to at-
tempt it is ridiculous. As every man in the ship
hath an interest in her safety, he has a right to
point out the rocks or shallows upon which the
pilots are ignorantly or wilfully running.

The ministry had recourse to another refuge, The minis-
try endea-
vour to cor-
rupt the
parliament.
safer for themselves, but even yet more pernicious to the public; for the first was an act of
arbitrary power, which every man could see,

A.D. 1674. could feel the effects of, and must consequently resent; the latter was an arrow shot in the dark, which, though not immediately fatal, could not but leave a wound too rancorous to be easily cured. This was a destructive corruption which was now spreading in the parliament: for the court not only by the influence of places, but also by pensions, secured in its interest several members of the house of commons; and thus was a venom infused into the constitution, which would have eaten out the vitals of it, had that parliament continued much longer.

Lord
Shaftesbury
solicitous
for a new
parliament.

Lord Shaftesbury was well acquainted with this step of the ministers, and was sensible of the unhappy consequences with which it would be attended. He concluded that a parliament which was devoted to the king solely from a view to private interest, could not be really useful to the public. As the apprehensions of the people with regard to the designs of the court were very great, he looked on a new parliament as the only means of establishing harmony between the king and the nation. He therefore thought that an application to his majesty to call one would be seasonable and proper; that it was the right of any part of the

nobility to give advice to the king in the recess of parliament; and that, by the old constitution, this was their hereditary and undoubted privilege: a glorious privilege! and worthy of being asserted by them; a privilege that, by bringing them nearer to the throne, must add to their dignity; and which, when properly exerted, could not but cause them to be respected by the people, as the constant maintainers of their rights and liberties.

That these were Lord Shaftesbury's sentiments, appears from the following excellent letter to the Earl of Carlisle; which displays likewise his regard for the king and duke, his attachment to the public, and his firm adherence to his principles.

Feb. 3, 1674-5.

“ MY LORD,

“ I very much approve of what my Lord Mordaunt and you told me you were about; and should, if I had been in town, readily have joined with you, or, upon the first notice, have come up: for it is certainly all our duties, and particularly mine, (who have borne such offices under the crown,) to improve any good correspondence or understanding between the royal

A.D. 1674.

A.D.
1674-5.
His letter
to the Earl
of Carlisle.

A. D.
1574-5.

family and the people, and not leave it possible for the king to apprehend that we stand on any terms that are not as good for him as necessary for us. Neither can we fear to be accounted undertakers at the next meeting of parliament, for I hope it shall never be thought unfit for any number of lords to give the king privately their opinion when asked; since, in former days, through all the northern kingdoms, nothing of great moment was acted by their kings without the advice of the most considerable and active nobility that were within distance, though they were not of the ordinary privy council; such occasions being not always of that nature as did require the assembling the great council or parliament. Besides, there are none so likely as us, nor any time so proper as now, to give the only advice I know truly serviceable to the king, affectionate to the duke, and secure to the country, (that is, a new parliament,) which I will undertake at any time to convince your lordship is the clear interest of them all.

* But, in the mean time, I must beg yours and my Lord Mordaunt's pardon that I came not up as I intended; for I hear, from all quarters, of letters from Whitehall that I am coming

up to town; that a great office, with a strange name is preparing for me; and such like. I am ashamed I was thought so easy a fool by those who should know me better; but, I assure your lordship, there is no place or condition will invite me to court during this parliament, nor until I see the king thinks frequent parliaments as much his interest as they are the people's rights; for, until then, I can neither serve the king as I would, nor think a great place safe enough for a second adventure.

A. D.
1674-5.

“When our great men have tried a little longer, they will be of my mind. In the mean time, no kind of usage shall put me out of that duty and respect I owe to the king and duke: but I think it would not be amiss for the men in great offices, who are at ease and where they would be, to be ordinarily civil to a man in my condition, since they may be assured that all their great places put together shall not buy me from my principles. My lord, I beseech you to impart this to the Earl of Salisbury, my Lord of Falconbridge, and my Lord Holles; and when you four command me up, I will obey.

“I am sorry my Lord Halifax had no better success in his summer's negotiation; and that his

A. D.
1674-5

uncle Sir William could make no nearer approach to the ministers of state than the kissing the king's hand. I fear it is fatal to his lordship to go so far, and no farther.

“ My dear Lord,

— I am, most affectionately and sincerely,

“ Your Lordship's most devoted servant,

“ SHAFTESBURY.”

A. D. 1675.
Meeting of
Parliament.

Vigorous
proceed-
ings of the
commons.

On the 13th of April 1675, the parliament met,¹⁰⁵ when, notwithstanding the intrigues of the court, an extraordinary vigour still appeared in the house of commons against the growth of popery, the ministers who supported or connived at it, the state of affairs in Scotland, and the English troops being employed in the service of France. This spirit was generally and justly attributed to Lord Shaftesbury; upon which, Rapin, after relating the transactions of the commons, makes the following remark :

“ It may be easily inferred from these proceedings of the commons, that they were extremely jealous of the king and his ministers, and did

¹⁰⁵ It had been prorogued until this date, in consideration of five hundred thousand crowns paid by Louis to Charles for that purpose.

not doubt of the court's intention to introduce A.D. 1675.
 popery and invade the liberties of the subject. Those who would wholly ascribe the ill humour of the commons to Shaftesbury's influences, can hardly answer the above-mentioned facts, which would not be less true though the Earl of Shaftesbury had never been born."

This ill humour, as it is called, was then thought by the public, and has been since judged by the concurrent testimony of the wisest men, to be a true spirit of patriotism. This it was which saved the liberties of the nation at that time from the arbitrary designs of the court, and laid the foundation for securing them afterwards by the Revolution.

Whilst Lord Shaftesbury was thus working by his address in the house of commons, he gave shining proofs of his knowledge and his eloquence in the house of lords; where a bill, most evidently destructive of the constitution, was brought in by the ministry, intituled, "An act to prevent the dangers which may arise from persons disaffected to the government." By this bill, all persons who enjoyed any office, ecclesiastical, civil, or military, all privy counsellors and members of parliament, were obliged, under penalty,

Destructive
bill in the
house of
lords ;

A.D. 1675. to take the oath which had been introduced first in the corporation, then in the militia act, and, afterwards, more fully, in the five-mile act. The oath has been already mentioned, but it may not be improper to repeat it: "I do declare that it is not lawful, upon any pretence whatsoever, to take up arms against the king; and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him in pursuance of such commission; and I do swear, that I will not, at any time, endeavour the alteration of government either in church or state. So help me God."

the oath
enjoined by
it.

This bill was a large stride towards the establishment of arbitrary power. It was brought in to settle the doctrine of passive obedience by legislative authority, and by one bold act to shackle the parliament as well as the rest of the nation. For though, in the progress of the debate, a proviso was added that the privileges of parliament should be preserved in the freedom of debates and votes, yet the oath was to remain as a prohibition, even upon the members of either house, against any endeavour, by speech, writing, or

otherwise, to make any alteration in church or state farther than by speaking and voting in parliament. A.D. 1675.

Lord Shaftesbury was the first who appeared against this bill. He, and some other lords, strenuously insisted that it should be withdrawn, or else that the freedom which must necessarily be used in opposing it might not be misconstrued. The court, and its satellites the bishops, strove earnestly for the committal of the bill; upon which, Lord Shaftesbury, who, "in all the variety of changes of the last age, was never known to be either bought or frightened out of his public principles,"* described at large the ill designs and consequences of the bill; and spoke †

Opposed by
Lord
Shaftesbury
and other
lords.

* A Letter from a Person of Quality to his Friend in the country.

† Bishop Burnet acknowledges Lord Shaftesbury's distinguishing himself on the occasion of this bill; and says, "He spoke once a whole hour to show the inconveniency of condemning all resistance upon any pretence whatsoever; and the very ill consequence it might be of to lay such an oath on a parliament. And

yet, though his words were watched, so that it was resolved to have sent him to the Tower if any one word had fallen from him that had made him liable to such a censure, he spoke both with so much boldness and so much caution, that, though he provoked the court extremely, no advantage could be taken against him."—*Burnet's History*, vol. i. p. 384—5.

A.D. 1671. with such convincing reasons, that it was not referred to a committee of the whole house till after a debate of five days ; a circumstance which hardly ever happened to any bill before.

Protest against it. Four protests were entered against several steps which were taken in the first progress of it ; and these were chiefly drawn up by Lord Shaftesbury. The second, which was against committing the bill, asserted, “ that it struck at the root of government, and that freedom of voting and debating which is necessary for those who have the power to alter and make laws ; and that the bill obliged every man to abjure all endeavours to alter the government in the church, without regard to anything that rules of prudence in the government, or christian compassion to protestant dissenters, or the necessity of affairs, at any time might require.”

This protest was no sooner entered and subscribed, but the court lords and the bishops raised a storm against those who had subscribed it ; and endeavoured to take away the liberty of entering protests with reasons. They voted, “ that the reasons given in the said protest did reflect upon the honour of the house, and were of dangerous consequence.” This was attended by another

protest against that vote: which protest raised a still greater flame in the house, and called forth a noble instance of the spirit of Lord Holles, who supported, with great learning, the liberty of protesting with reasons; and who, having been absent by sickness at the former question, desired that he might then have leave to sign the protest, and take his fortune with those lords who had already done it and were in danger of being sent to the Tower.

A.D. 1675.

During the debate in the committee, an objection was made to the oath, that no care was taken of the doctrine, but only of the discipline of the church; and, therefore, that the papists need not scruple taking the oath, since episcopacy would remain in its full lustre, though the popish religion should be introduced; whereas the king's supremacy would be jostled aside by the oath, and room be made for an ecclesiastical supremacy. In consequence of this objection, the advocates for the bill changed that part of the oath, as follows:

Further
progress of
the debate.

“ I do swear, that I will not endeavour to alter the protestant religion, or the government either of church or state.”

In opposition to this amendment, Lord Shaftes-

A.D. 1675. bury urged that it was a far different thing to believe, or be fully persuaded of, the truth of the doctrines of our church, and to swear “ never to endeavour to alter it ;” which last must be utterly unlawful, unless an infallibility should be placed either in the church or the person who took the oath ; every man being, otherwise, obliged to change his views and conduct upon having a clearer or better light : and he desired leave to ask “ where are the boundaries, or where shall we find how much is meant by the protestant religion ?”

The lord keeper, who was now Lord Finch, thinking he had an advantage, desired, with his usual eloquence, that it might not be told in Gath, nor published in the streets of Askelon, that a lord of so great parts and eminence, and professing himself a member of the church of England, should not know what is meant by the protestant religion ! Then the Bishop of Winchester and other bishops condescended to instruct Lord Shaftesbury, “ that the protestant religion was comprehended in the thirty-nine articles, the liturgy, the catechism, the homilies, and the canons.”

The definition of the protestant religion, by some of the bishops.

Lord Shaftesbury's reply.

To this Lord Shaftesbury replied, that he begged so much charity of them as to believe that he

knew the protestant religion so well, and was so A.D. 1675. confirmed in it, that he hoped he should burn for the witness of it if Providence should call him to it: but he might, perhaps, think some things not necessary which they accounted essential; nay, he might think some things not true, or agreeable to the Scripture, that they might call doctrines of the church. Besides, when he was to swear “never to endeavour to alter,” it was certainly necessary to know how far the just extent of this oath was. But since they had told him that the protestant religion was in those five tracts, he had still to ask “whether they meant that those whole tracts were the protestant religion, or only that the protestant religion was contained in them?” If they meant the former of these, then he was extremely in the dark to find the doctrine of predestination, in the seventeenth and eighteenth articles, to be owned by so few great doctors of the church; and to find the nineteenth article define the church directly as the Independents did. Besides, the twentieth article’s manner of stating “the authority of the church” was very dark, and either contradicted itself, or said nothing, or what was contrary to the known laws of the land; not to mention that several other

A.D. 1675. things in the thirty-nine articles had been preached and written against by men of great favour, power, and preferment in the church.

He humbly conceived the liturgy was not so sacred, being drawn up by men the other day, under a pretence of making such alterations as might the better unite people; instead whereof there was scarce one alteration but widened the breach; and no ordination was allowed here by the liturgy (as it stood last reformed in the act of uniformity) but what was episcopal: insomuch that a popish priest was capable, when converted, of any church preferment without re-ordination; whereas every protestant minister, not episcopally ordained, was required to be re-ordained. Thus as much as possible had been done to unchurch all the foreign protestants that had not bishops; though the contrary was both allowed and practised from the beginning of the Reformation till the time of the uniformity act, and several bishops had been made of such as were never ordained priests by bishops. Moreover, the uncharitableness of it was so much against the interest of the crown, and of the church of England, (as it cast off the dependency of the whole protestant party abroad,) that it would have been bought

by the pope and the French king at a vast sum A.D. 1676. of money ; and it was difficult to conceive that so great an advantage fell to them merely by chance, and without their help : so that he thought to endeavour to alter and restore the liturgy * to what it was in Queen Elizabeth's days, might consist with his being a very good protestant.

As to the catechism, he really thought it might be mended ; and durst declare to them, it was not well that there was not a better made.

For the homilies, he thought there might be a better book made ; and the third homily of "repairing and keeping clean of churches," might be omitted.

What was yet stranger, the canons of our church were directly the old popish canons, which were still in force, and no other ; as would appear by the statute 25 Hen. VIII. cap. 19. confirmed and received by 1 of Elizabeth, whereby all those canons were established until an alteration should be made by the king in pursuance of that act :

* As Lord Shaftesbury said that he thought the liturgy might be mended, he himself began an improvement of it, for the consideration of the bishops ; and there is still ex-

tant among his fragments a paper, wherein he had selected psalms for particular services in the church, which are extremely well chosen.

A.D. 1675. which thing was attempted by Edward VI. but not perfected, and was let alone ever since ; for what reasons, the lords the bishops could best tell : and it was very hard to be obliged by oath not to endeavour to alter either the English Common Prayer Book or the Canon of the Mass.

But if they meant the latter,—that “ the protestant religion was contained in all those tracts, but that every part of them was not the protestant religion,”—then he apprehended it might be in the bishops’ power to declare, *ex post facto*, what was the protestant religion or not, or else they must leave it to every man to judge for himself what parts of those books were or were not ; and then their oath had been much better let alone.

If the lord keeper and the bishops triumphed over Lord Shaftesbury before his reply, they had no reason to do it afterwards ; for what he said was not answered by any of them.

The bishops
make no
reply.

This knowledge which, in an unpremeditated reply, he showed of the doctrines of the Church of England, proved the justness of King Charles’s remark, “ that his chancellor had more law than all his judges, and more divinity than all his bishops.” ¹⁰⁶

¹⁰⁶ This anecdote is related by Seward, vol. iv. p. 54.

Lord Shaftesbury, standing near the bishops' bench one day, when he spoke long in this debate, overheard one of the bishops saying to another, "I wonder when he will have done preaching?" He immediately turned round and replied, "When I am made a bishop, my lord;" and then proceeded in his speech to the house.

A.D. 1675.

Reparies
of Lord
Shaftes-
bury's.

Notwithstanding a proviso was obtained by the country lords for preserving the freedom of debates and votes in parliament, an objection was still made to the bill by the Earl of Bolingbroke, that a restraint was laid even upon members of parliament out of doors; and that the oath took away all private converse upon any public parliamentary affairs even with one another.

Further
debate on
the bill.

Upon this, Lord Shaftesbury presently drew up some words for preserving the rights, privileges, and freedoms which men enjoyed by the law established. He was supported by many others in his motion; but was strongly opposed by the courtiers, who plainly declared that they designed by the bill to prevent caballing, and to hinder parliament men from consulting with persons in public offices, either of the army, treasury, or navy, about parliamentary business: they

A.D. 1675. silenced every objection by their majority of votes.

Mean spirit
of the no-
bility.

Though there were many worthy persons among the nobility, who were true lovers of their country and asserters of its liberties, the greater part meanly acted under the influence of the court, and in subservience to the commands of the ministers. Unmindful of the virtues of their ancestors, their only emulation was to acquire wealth or excel in luxury; and they were contented to load themselves with chains, provided these chains were more glittering than those of their fellow-subjects. It was a melancholy presage for the public, when the men whose example was the most likely to be imitated became thus depraved, and when the foremost in rank were generally the first in corruption.

The bill
pushed on
by the court.

This bill, which would have rendered parliaments entirely useless, was so highly agreeable to the court, that the ministry exerted their utmost strength in its favour. Just before the meeting of parliament, a privy seal was passed for eighty thousand pounds secret-service money. The design of this money was to prepare the two houses to concur in the bill, and it actually secured a majority in each house. But this measure, and

the dangerous tendency of the bill, only served A.D. 1675.
to animate the lords in the opposition ; who, by
their constant and close attendance, and by the
strength of their arguments, checked the progress
of it in such a manner, that the debates upon it
continued for seventeen days.

CHAPTER IV.

Dr. Shirley's Appeal.—Lord Shaftesbury's Speech in the Debate.—Contention between the two Houses—Its effects.—Parliament prorogued for fifteen months.—Pamphlets against Shaftesbury.—Meeting of Parliament.—Lord Shaftesbury contends that the Parliament was dissolved—Is committed to the Tower.

A.D. 1675. THE vigorous stand made by the opposition against this bill, rendered the court still more intent upon succeeding in its scheme; and therefore another privy seal was passed for one hundred and twenty thousand pounds more, for the same service; and every question was carried in spite of the force of argument. But what truth could not do, Lord Shaftesbury effected by his policy.

Having gained time, by the spirit which appeared against the bill, he contrived, before it could be reported from the committee, to raise such a difference between the houses, upon a point of privilege, as rendered their sitting impracticable, and defeated the intentions of the court.

An appeal from a decree in chancery had been brought into the house of lords by Dr. Shirley, against Sir John Fagg, a member of the house of commons. The lords received the appeal; which was resented by the commons, and declared to be a breach of privilege. They likewise passed a vote, that no appeal from any court of equity was cognizable by the house of lords, and ordered Dr. Shirley into the custody of the serjeant-at-arms. The speaker's warrant for doing this was forcibly taken from the serjeant's deputy by Lord Mohun. The commons demanded justice of the peers against him; but he was so strongly supported by Lord Shaftesbury and others, that the lords justified by a vote what he had done. The house of commons ordered the barristers who pleaded in the cause to be taken into custody,¹⁰⁷ and the lords immediately ordered their release. These steps, which were pursued with great heat

A.D. 1675.

Dr. Shirley's appeal.

Difference between the lords and commons.

¹⁰⁷ During the debate upon this resolution, some ladies were in the gallery peeping over the gentlemen's shoulders. The speaker spying them called out, "What borough do those ladies serve for?" To which Mr. William Coventry replied, "They serve for the speaker's chamber." Sir Thomas Littleton suggested that the speaker should suppose they were gentlemen with fine sleeves dressed like ladies. "Yes; but I am sure I saw petticoats," rejoined the speaker.—*Grey*.

A.D. 1675. in both houses, obliged the king to prorogue the parliament on the 9th of June to the 13th of October following.

The bill defeated by the breach between the houses.

Lord Shaftesbury's scheme was improved with great art and vigour, till it produced an open rupture between the houses; and probably no other method could have been taken to defeat the pernicious bill; for the majority of the commons, by the great sums dispersed among them, were ready to pursue the directions of the court. They would not, however, give up a point of privilege; and their jealousy upon the occasion inflamed them by degrees till they had gone too far to retreat. This was not foreseen by the ministry till it was too late to be prevented, so that it rendered void all the proceedings of that session.

Schemes for obtaining a dissolution of parliament.

The views of the court, and the disposition of the commons, made Lord Shaftesbury the more earnest to procure a dissolution of the parliament. This was the frequent subject of his discourse, the constant object of his thoughts, during the prorogation. He endeavoured to persuade the principal members in both houses (as he told Lord Carlisle, in his letter, he was ready to do) that a new parliament would be for the interest both of the prince and people. At the same time, he

resolved to foment the quarrel between the houses A.D. 1675.
at their meeting; that the court might grow
weary of the parliament, and be more readily in-
duced to dissolve it.

The Duke of York and the papists were brought into a belief that a new parliament might be more favourable to them; for, though the present parliament had gone such lengths in extending the prerogative, it had been too vigorous against popery to relax, or to give the Roman catholics any hopes of repealing, the penal laws against them. Whilst, therefore, Lord Danby and others of the ministry were apprehensive of its meeting, though the court was in necessity for a supply, the duke was solicitous for it, with the expectation of some steps being taken that might bring about the dissolution, for which he and most of his friends afterwards voted. This was, undoubtedly, what his secretary, Coleman, alluded to in the following paragraph of a letter to the inter-nuncio, dated at Windsor, August the 30th, 1675.

“ We now passionately wish to see the coming on of the parliament, which we so much feared before: and, while it was held doubtful whether it ought to meet or no, we employed all our power

A.D. 1675. to bring it on ; which point we have gained but within these few days. And, for my part, I no ways doubt but that we shall receive as much good by it as we apprehended ill, provided that the duke fail not in the good resolutions which he hath taken."

Lord
Shaftesbury
affronted by
Lord Digby.

Lord Shaftesbury was, at this time, pointed out as the principal object of the court's displeasure. Frequent menaces were thrown out against him; but he was not affected by them, or diverted from his pursuits. Being in Dorsetshire during part of the recess of parliament, Lord Digby applied to him for his interest to be chosen knight of the shire in the room of Colonel Strangeways, deceased. Lord Shaftesbury said that he could give no answer till he knew whether his friend Mr. Freke would be a candidate ; and afterwards, with great frankness, told Lord Digby that he could not support his interest, and gave him his reasons. Lord Digby, soon after, on the 27th of August 1675, before a great assembly of the principal persons of the county at Fernditch Lodge, said to him, in a passion, " You are against the king, and for seditions and factions, and for a commonwealth, and I will prove it ; and by God we will have your head next parliament."

What design this threat was grounded on is A. D. 1675.
 not known, but the Earl of Bristol, (Lord Dig- and accused
in parlia-
ment by
Lord Bris-
tol.
 by's father and a Roman catholic,) on the 20th of
 November, attempted in the house of lords to
 charge Lord Shaftesbury with crimes of a high
 nature.¹⁰⁸ It does not appear by the Journals
 what the charge was; but it is recorded in them,
 that the lords, by an unanimous vote, declared
 that the charge was groundless, and ordered the
 Earl of Bristol to ask Lord Shaftesbury's pardon.

As the affront which he had received from
 Lord Digby was public, he resolved that the sa-
 tisfaction should be so likewise. He brought an
 action against him in the king's bench : the words

¹⁰⁸ This occurred in a debate upon a copy of one of the com-
 mons' resolutions in Dr. Shirley's case, which had been posted
 up in the lobby of their house. The Earl of Bristol was, as
 usual, very intemperate; and the house compelled him to beg
 Shaftesbury's pardon, and resolved that nothing he had said
 had made any impression upon them to that earl's prejudice :
 but it does not appear that Bristol attempted to make any for-
 mal charge upon this occasion.

This was not the only quarrel which happened during this
 stormy debate. The house found it necessary to enjoin the
 Earl of Shaftesbury and Lord Arundel, " that there be no fur-
 ther proceedings to any resentment upon any words passed
 between them this day." " Upon which," say the Journals,
 " they both presently promised obedience to the command of
 the house."

A.D. 1676. were attested by several gentlemen present ; and the jury gave eleven hundred and fifty pounds damages.

Meeting of
parliament.

When the parliament met, on the 13th of October, the court was so apprehensive of a revival of the quarrel between the houses, that the king, in his speech, desired, “ if anything of that kind should arise, they would defer those debates till they had brought the public bills to perfection.”

The design of this advice, and the consequences that would have attended a compliance with it, were obvious. Dr. Shirley’s appeal was therefore soon brought in : and upon a motion being made, on the 20th of October, to appoint a day for the hearing, the ministry strenuously opposed it ; but Lord Shaftesbury as strongly supported it, in the following remarkable speech :¹⁰⁹

“ My Lords,

Lord Shaftesbury’s
speech on
Dr. Shirley’s ap-
peal.

“ Our all is at stake, and therefore you must give me leave to speak freely before we part with it. My lord bishop of Salisbury is of opinion ‘ that we should rather appoint a day to consider what to do upon the petition, than to appoint a

¹⁰⁹ This debate lasted six days, and was not closed until the 4th of November.

day of hearing ;' and my lord keeper (for I may name them at a committee of the whole house) tells us, in very eloquent and studied language, ' that he will propose us a way far less liable to exception, and much less offensive and injurious to our own privileges, than that of appointing a day of hearing.' I beseech your lordships, did not you, after all these fine words, expect some admirable proposal? But it ended in this, ' that your lordships should appoint a day,—nay, a very long day,—to consider what you would do in it.' And my lord hath undertaken to convince you that this is your only course, by several undeniable reasons; the first of which is, ' that it is against your judicature to have this cause, which is not proper before us, nor ought to be relieved by us.'

" To this, my lords, give me leave to answer, that I did not expect, from a man professing the law, that after an answer by order of the court was put in, and a day had been appointed for hearing, (which by some accident was set aside,) and the plaintiff moved for a second day to be assigned, that ever, without hearing counsel on both sides, the court did enter into the merits of the cause: and if your lordships should do it

A.D. 1473. here, in a case attended with the circumstances this is, it would not only be an apparent injustice, but a plain subterfuge to avoid a point you durst not maintain.

“ But my lord's second reason speaks the matter more clearly, — because it is a doubtful case whether the commons have not privilege; and, therefore, my lord would have you to appoint a further and a long day to consider of it; which in plain English is, that your lordships should confess, upon your books, that you conceive it, on second thoughts, a doubtful case: for so your appointing a day to consider will do, and that for no other reason but because my lord keeper thinks it so; which, I hope, will not be a reason to prevail with your lordships, since we cannot yet, by experience, tell that his lordship is capable of thinking your lordships in the right in any matter against the judgment of the house of commons; it is so hard a thing, even for the ablest of men, to change ill habits.

“ But my lord's third reason is the most admirable of all, which he styles unanswerable, viz. that your lordships are all convinced in your consciences that this (if prosecuted) ‘ will cause a breach.’ I beseech your lordships, consider whe-

ther this argument, thus applied, would not over-
throw the law of nature, and all the laws of right
and property in the world: for as it is an argu-
ment, and a very good one, that you should not
stand or insist on claims where you have not a
clear right, or where the question is not of con-
sequence and moment, in a matter that may pro-
duce a dangerous or pernicious breach between
relations, persons, or bodies politic, joined in in-
terest and high concerns together; so, on the
other hand, if the obstinacy of the party in the
wrong shall be made an unanswerable argument
for the other party to recede and give up his just
rights, how long shall the people keep their liber-
ties, or the princes or governors of the world their
prerogatives? How long shall the husband main-
tain his dominion, or any man his property, from
his friend's or his neighbour's obstinacy? But,
my lords, when I hear my lord keeper open so
eloquently 'the fatal consequences of a breach,'
I cannot forbear falling into some admiration
how it comes to pass that, if the consequences be
so fatal, the king's ministers in the house of com-
mons, of which there are several that are of the
cabinet, and have daily resort to his majesty, and
have the direction and trust of his affairs; I say,

A.D. 1675.

A.D. 1673. that none of those should press these consequences there, or give the least stop to the career of that house in this business ; but that all the votes concerning this affair,—nay, even that very vote, ‘that no appeal from any court of equity is cognizable by the house of lords,—should pass *non. contra-dicte*, and yet all the great ministers with us here, the bishops, and other lords of great dependence on the court, contend this point as if it were *pro aris et focis*.

“ I hear. his majesty, in Scotland, hath been pleased to declare against appeals in parliament. I cannot much blame the court, if they think that (the lord keeper and the judges being of the king’s naming, and in his power to change,) the justice of the nation is safe enough : and I, my lords, may think so too, during the king’s time ; though, I hear, Scotland, not without reason, complains already. Yet who can see how future princes may use this power, and how judges may be made,—not men of ability or integrity, but men of relation and dependence, and who will do what they are commanded ; and then all men’s causes come to be judged, and estates to be disposed of, as great men at court shall please ?

“ My lords, the constitution of our government

hath provided better for us ; and I can never believe so wise a body as the house of commons will prove that foolish woman, who plucks down her house with her own hands. A.D. 1675.

“ My lords, I must presume, in the next place, to say something to what was offered by my lord bishop of Salisbury, a man of great learning and abilities, and always versed in a stronger and closer way of reasoning than the business of that noble lord I answered before did accustom him to do : and that reverend prelate hath stated the matter very fair upon two heads.

“ The first, whether the hearing of causes and appeals, and especially in this point, where the members have privilege, be so material to us that it ought not to give way to reasons of state, or greater affairs that press us at this time.

“ The second was, if this business be of that moment, yet, whether the appointing a day to consider of this petition would prove of that consequence and prejudice to your cause.

“ My lords, to these give me leave, in the first place, to say, that this matter is no less than your whole judicature ; and your judicature is the life and soul of the dignity of the peerage of England. You will quickly grow burthensome if you grow

A.D. 1675. useless. You have now the greatest and most useful end of parliament principally in you ; which is, not to make new laws, but to redress grievances, and to maintain the old land-marks. The house of commons' business is to complain ; your lordships' to redress, not only the complaints from them who are the eyes of the nation, but all other particular persons who address themselves to you.

“ A land may groan under a multitude of laws, and I believe ours does ; and when laws grow so multiplied, they prove oftener snares than directions and security to the people. I look on it as the ignorance and weakness of the latter age, if not worse,—the effect of the designs of ill men,—that it is grown a general opinion, that where there is not a particular direction in some act of parliament, the law is defective ; as if the common law had not provided much better, shorter, and plainer for the peace and quiet of the nation than intricate, long, perplexed statutes do, which have made work for the lawyers, given power to the judges, lessened your lordships' power, and, in a good measure, unhinged the security of the people.

“ My lord bishop tells us, that ‘ your whole judicature is not in question, but only the privi-

lege of the house of commons, of their members A.D. 1675. not appearing at your bar.' My lords, were it no more, yet, for justice and the people's sake, you ought not to part with it. How far a privilege of the house of commons, their servants, and those they own, doth extend, Westminster-hall may with grief tell your lordships. And the same privilege, of their members being not sued, must be allowed by your lordships as well. And what a failure of justice this would prove, whilst they are lords for life, and you for inheritance, let the world judge.

"For my part, I am willing to come to a conference whenever the dispute shall begin again, and dare undertake to your lordships that they have neither precedent, reason, nor any justifiable pretence to show against us; and therefore, my lords, if you part with this undoubted right merely for asking, where will the asking stop? And, my lords, we are sure it doth not stop here; for they have already, *nemine contradicente*, voted against your lordships' power of appeals from any court of equity! so that you may plainly see where this caution and reason of state means to stop, — not one jot short of laying your whole judicature aside

A.D. 1673. “For the same reason, of passing the king’s money, of not interrupting good laws, or whatever else, you must of necessity avoid all breach upon what score soever. Thus, your lordships plainly see, the breach will be as well made upon your judicature in general, as upon this point; so that, when your lordships have appointed a day, a very long day, to consider whether Dr. Shirley’s cause be not too hot to handle, and when you have done the same for Sir Nicholas Stanton, whose petition, I hear, is coming in, your lordships must proceed to a vote to lay all private business aside for six weeks: for that phrase, of private business, hath obtained, this last age, upon that which is your most public duty and business, namely, the administration of justice. And I can tell your lordships, besides the reason that leads to it, that I have some intelligence of the designing such a vote; for, on the second day of your sitting, at the rising of the lords’ house, there came a gentleman into the lobby, belonging to a very great person, and asked, in very great haste, ‘Are the lords up? Have they passed the vote?’ and being asked, ‘What vote?’ he answered, ‘The vote for no private business for six weeks.’

“My lords, if this be your business, see where

you are if you are to postpone our judicature, for A.D. 1675. fear of offending the house of commons, for six weeks, that they, in the interim, may pass the money, and other acceptable bills, which his majesty thinks of importance. Are so many wise men in the house of commons to be laid asleep, and to pass all these acceptable things, and, when they have done, to let us to be let loose upon them? Will they not remember this, next time, when there is want of money? Or, may they not rather be assured by those ministers that are amongst them, and go on so unanimously with them, that the king is on their side in this controversy? And, when public business is over, our time shall be too short to make a breach, or vindicate ourselves in the matter; and then, I beg your lordships, where are you? If, after you have asserted, but the last sessions, your right of judicature so highly even in this point, and after the house of commons had gone so high against you, on the other hand, as to post up their declaration and remonstrances on Westminster-hall doors, the very next session after, you postpone the very same causes, and not only those, but all judicatures whatsoever, I beseech your lordships, will not this prove a full precedent and confession against ourselves.

A.D. 1653. “ It is a maxim, and a rational one, amongst the lawyers, that one precedent, where the case has been contested, is worth a thousand where there has not been a contest.

“ My lords, in saying this, I humbly suppose I have given a sufficient answer to my lord bishop's second question, ‘ Whether the appointing a day to consider what you will do with this petition be of that consequence to your right ?’ for it is a plain confession that it is a doubtful case, and that infinitely stronger than if it were a new thing to you, never before heard of ; whereas it is the very same case, and every thing desired in that case, that you formerly ordered and so strongly asserted ; so that, after due time, and all the deliberation imaginable, you declare yourselves to become doubtful ; and put yourselves out of your own hands, into that power which you have no reason to believe is on your side the question.

“ My lords, I have all the duty imaginable to his majesty ; and shall, with all submission, give way to anything he shall think of importance to his affairs. But, in this point, it is to alter the constitution of the government, if you are asked to lay this aside ; and there is no reason of state can be an argument to throw yourselves out of that

interest you have in the constitution of the government. A.D. 1675. It is not only your concern that you maintain yourselves in it ; but it is the concern of the poorest man in England that you keep your station. It is your lordships' concern, and that so highly, that, I will be bound to say, the king can give none of you a requital or a recompense for it. What are empty titles ? What is present power, or riches, and a great estate, wherein I have no firm, fixed property ? It is the constitution of the government, and maintaining it, that secures your lordships, and every man else, in what he hath. The poorest lord, if the birthright of his peerage be maintained, has a fair prospect before him for himself or his posterity. But the greatest title, with the greatest power and riches, is but a mean creature ; and maintains those in absolute monarchies no otherwise than by servile and low flatteries, and upon uncertain terms.

“ My lords, it is not only your interest, but the interest of the nation, that you maintain your rights ; for, let the house of commons and gentry of England think what they please, there is no prince that ever governed without nobility or an army. If you will not have one, you must have the other, or the monarchy cannot long sup-

A.D. 1475. port or keep itself from tumbling into a democratical republic. Your lordships and the people have the same cause and the same enemies. My lords, would you be in favour with the king? it is a very ill way to it, to put yourselves out of a future capacity to be considerable in his service. I do not find in story or in modern experience, but that it is better, and a man is much more regarded, who is still in a capacity and opportunity to serve, than he that hath wholly deprived himself of all for his prince's service; and, therefore, I declare, that I will serve my prince as a peer, but will not destroy the peerage to serve him.

“ My lords, I have heard of twenty foolish models, expedients to secure the justice of the nation and yet to take this right from your lordships;—as, the king, by his commission, appointing commoners to hear appeals; or, that the twelve judges should be the persons; or, that persons should be appointed by act of parliament: which are all not only to take away your lordships' just right, that ought not to be altered, any more than any other part of the government; but are in themselves, when well weighed, ridiculous.

“ I must deal freely with your lordships: these things could never have risen in people's

minds without some kind of provocation that has A.D. 1675.
given the first rise to it. Pray, my lords, forgive me if, on this occasion, I put you in mind of committee dinners, and the scandal of it; as, also, those droves of ladies that attend all causes. It was come to that pass, ' that men hired, or borrowed of their friends, handsome sisters or handsome daughters to deliver their petitions: but yet, for all this, I must say that your judgments have been sacred, unless in one or two causes; and those we owe most to that bench from whence we now apprehend most danger.

“ There is one thing I had almost forgot to speak to, which is the conjuncture of time, the hinge on which the reason of state turns; and to that, my lords, give me leave to say, if this be not a time of leisure for you to vindicate your privileges, you must never expect one. I could almost say, that the harmony, good agreement, and concord, which are to be prayed for at other times, may be fatal to us now. We owe the peace of these last two years, and the disengagements from the French interest, to the two houses differing from the sense and opinion of Whitehall. So, at this time, the thing in the world this nation hath most reason to apprehend is a gene-

AN HES. ral peace, which cannot now happen without very advantageous terms to the French, and disadvantageous to the house of Austria.

- We are the king's great counsellors; and, if so, have a right to differ, and give contrary counsels to those few that are nearest about him. I fear they would advance a general peace. I am sure, I would advise against it, and hinder it, at this time, by all the ways imaginable. I heartily wish nothing from you may add weight and reputation to those counsels that would assist the French. No money for ships, nor preparations you can make, nor personal assurances our prince can have, can secure us from the French if they are at leisure.

- The French king is grown the most potent of us all at sea: he has built twenty-four ships this last year, and has thirty more than we; besides the advantage, that our ships are all out of order, and his so exquisitely provided for that every ship has its particular storehouse. It is incredible the money he hath, and what he has laid out in making of harbours. He makes even nature itself give way to the vastness of his expense: and, after all this, shall a prince so wise, so intent upon his affairs, be thought to make all these pre-

parations to sail over land, and fall on the back A.D. 1675.
of Hungary, and batter the walls of Kaminietz ?
or, is it possible he should oversee his interest in
seizing of Ireland, a thing so feasible to him, if
he be master of the seas, as he certainly now is ;
and which, when attained, gives him all the
southern Mediterranean, East and West India
trade, and renders him, both by situation and ex-
cellent harbours, perpetual master of the seas
without dispute.

“ My lords, to conclude this point, I fear the
court of England is greatly mistaken in it : and I
do not wish it the reputation of the concurrence
of the kingdom ; and this out of the most sincere
loyalty to his majesty and love to my nation.

“ My lords, I have but one thing more to
trouble you with, and that, perhaps, is a consider-
ation of the greatest weight and concern both to
your lordships and the whole nation. I have
often seen in this house, that the arguments with
strongest reason, and most convincing to the lay
lords in general, have not had the same effect
upon the bishops’ bench ; but that they have un-
animously gone against us in matters that many
of us have thought essential and undoubted rights ;
and I consider, that it is not possible that men of

128 255 great learning, piety, and reason, as their lordships are, should not have the same care of doing right, and the same conviction what is right, upon clear reason offered, that your other lordships have. And, therefore, my lords, I must necessarily think we differ in principles; and then it is very easy to apprehend, what is the clearest sense to men of my principle, may not at all persuade or affect the conscience of the best man of a different one. My principle is, 'that the king is king by law, and by the same law that the poor man enjoys his cottage;' and so it becomes the concern of every man in England that has but his liberty, to maintain and defend, to his utmost, the king in all his rights and prerogatives. My principle is also, 'that the lords' house, and the judicature and rights belonging to it, are an essential part of the government,' and established by the same law. The king, governing and administering justice by his house of lords, and advising with both his houses of parliament in all important matters, is the government I own, I was born under, and am obliged to. If ever there should happen in future ages, (which God forbid!) a king governing by an army without his parliament, it is a government I own not, am not obliged to, nor was born under.

“ According to this principle, every honest man A.D. 1675. that holds it must endeavour equally to preserve the frame of the government in all the parts of it; and cannot satisfy his conscience to give up the lords’ house for the service of the crown, or to take away the just rights and privileges of the house of commons to please the lords.

“ But there is another principle got into the world, my lords, that hath not been long there, for Archbishop Laud was the first author that I remember of it; and I cannot find that the jesuits, or, indeed, the popish clergy, have ever owned it, but only some of the episcopal clergy of our British isles; and it is withal, as it is new, so the most dangerous, destructive doctrine to our government and law that ever was: it is the first of the canons published by the convocation 1640, ‘that monarchy is of divine right.’ This doctrine was then preached up and maintained by Sibthorp, Manwaring, and others; and, of late years, by a book published by Dr. Sanderson, Bishop of Lincoln, under the name of Archbishop Usher: and how it is spread amongst our dignified clergy is very easily known.

“ We all agree, that ‘the king and his government is to be obeyed for conscience sake;’ and

A.D. 1675. that the divine precepts require, not only here, but in all parts of the world, ‘obedience to lawful governors:’ but that ‘this family are our kings, and this particular frame of government is our lawful constitution and obliges us,’ is owing wholly to the particular laws of our country.

“ This Laudean doctrine was the root that produced the bill of test last session ; and some very perplexed oaths, that are of the same nature with that, and imposed by several acts, this parliament.

“ In a word, if this doctrine be true, our Magna Charta is of no use ; our laws are but rules among ourselves during the king’s pleasure. Monarchy, if of divine right, cannot be bounded or limited by human laws ; nay, what is more, cannot bind itself ; and all our claims of right by the law or constitution of the government, all the jurisdiction and privilege of this house, all the rights and privileges of the house of commons, all the properties and liberties of the people, are to give way, not only to the interest, but the will and pleasure of the crown ; and the best and worthiest of men, holding this principle, must vote to deliver up all we have, not only when reason of state and the separate interest of the crown require it, but when the will and pleasure

of the king is known to have it so ; for that must A.D. 1675.
be, to a man of that principle, the only rule and
measure of right and justice. Therefore, my lords,
you see how necessary it is that our principles be
known, and how fatal to us all it is that this
principle should be suffered to spread any further.

“ My lords, to conclude : your lordships have
seen of what consequence this matter is to you ;
and that the appointing a day to consider, is no
less than declaring yourselves doubtful, upon
second and deliberate thoughts : that you put
yourselves out of your own hands into a more
than moral probability of having this session
made a precedent against you. You see your
duty to yourselves and the people ; and that it is
not really the interest of the house of commons,
but may be the inclination of the court, that you
lose the power of appeals. But I beg our house
may not be *felo de se* ; but that your lordships
would take, in this affair, the only course to pre-
serve yourselves ; and appoint a day, this day
three weeks, for the hearing Dr. Shirley’s cause ;
which is my humble motion.”

Lord Shaftesbury’s jealousy of the rising great-
ness of France appeared on every occasion, but in

A.D. 1675. this speech it is very remarkable ; as are likewise his apprehensions lest such a peace should be made as would be favourable to the ambitious views of France. By the intrigues of the French court, and the folly and influence of ours, a treaty of this kind was, about two years afterwards, actually concluded at Nimeguen ; a treaty by which France was confirmed in her conquests and her power, and the alliance against her was broken to pieces.

Lord Shaftesbury's fear of such a peace, and his early and open declaration of it, is a strong evidence that his censures of the treaty after its conclusion did not proceed from a mere disposition to find fault with the conduct of affairs, but from the wisdom of his political views.

Dispute between the two houses continued.

As the court was secure of a majority in the house of commons, and was sanguine in its expectations from the present session, the utmost efforts were used to evade a revival of the dispute. But Lord Shaftesbury so prevailed with the peers to maintain their judicature, that, after several days' debate, they appointed the 20th of November for hearing the cause. The commons were again inflamed at this, and insisted on their privileges ; and none were more earnest among them than

Lord Shaftesbury's friends. When, therefore, the contention between the two houses was raised to a proper height, an address was proposed in the house of lords for a dissolution of the parliament.

A.D. 1675.

Motion for an address to dissolve the parliament.

This was strongly debated, and Lord Shaftesbury exerted his usual vigour and eloquence. He represented the great inconvenience of long parliaments; that such a continuance of them as had taken place with regard to the present parliament was an alteration of the constitution; that it drew the members off from the public interest, and rendered them more liable to be corrupted. He represented, likewise, that the privilege which the members and those protected by them had, of being exempted from arrests, was, in a parliament of long duration, a great pressure upon the people.

Many other arguments were delivered by Lord Shaftesbury and some of the peers; but the court, which had been at such an expense to secure a number of friends in the house of commons, was unwilling to lose the benefit of its purchase: it tried therefore its whole strength, and carried the question, by two voices only, against the dissolution.*

Carried in the negative.

* It is remarkable that the Duke of York, and several of his friends, concurred with the patriotic lords, though from

1681 This was immediately followed by a protest, **presented** ~~presented~~ ^{drawn up} by Lord Shaftesbury, and signed by him and above twenty other peers; in which they set forth, "That it was according to the ancient laws and statutes of the realm, that there should be frequent new parliaments; that it was not reasonable that any particular number of men should for so many years, engross so great a trust of the people as to be their representatives in the house of commons; nor was it advantageous to the government: the mutual correspondence and interest of those who choose and are chosen admitting of great variations in length of time: and that the long continuance of any such as are intrusted for others, and who have so great a power over the purse of the nation, must naturally endanger the producing of factions and parties, and the carrying on of particular interests and designs, rather than the public good."

Parliamentary
privileges
or liberties
mentioned.

This spirit in the house of lords, and the contentions between the two houses, obliged the

very different principles, in supporting the address for a dissolution of parliament. The Duke of York considered the commons as not sufficiently favourable to the cause of popery; while the patriotic lords knew that great numbers of them were too ready to comply with the arbitrary designs of the court.

court to prorogue the parliament two days after, A.D. 1675. on the 22nd of November 1675, to the 15th of February 1676-7, which was fifteen months; a prorogation without a precedent.

During this prorogation, and towards the approach of the next session, a book came out by authority, intitled, "A Packet of Advice to the Men of Shaftesbury." * But, as we are informed in the Account of the Growth of Popery,¹¹¹ "the name of the author was concealed, not out of any modesty, but that he might with more security exercise his impudence, not so much against some noble lords, as against all public truth and honesty; nor did the book deserve naming no more than the author, but that they should rot together in their own infamy, had not the first events of the following session made it remarkable that the wizzard dealt with some superior intelligence."

Pamphlet
against Lord
Shaftesbury.

* See the Account of the Growth of Popery. ¹¹⁰

¹¹⁰ It must, however, be remembered that Andrew Marvell's Account of the Growth of Popery is quite as vehement a party production as the pamphlet upon which it passes sentence.

¹¹¹ There are two pamphlets bearing this title, by the same author. The first, printed in the year 1676, purports to be an answer to the "Letter from a Person of Quality;" but it also abuses Lord Shaftesbury's speech, and his letter to the Earl of Carlisle.

ART. III. The whole force of this pamphlet, as may be judged by the title, was turned against Lord Shaftesbury. To him was imputed the great opposition to the bill for enjoining the oath above mentioned: the division between the two houses, in order to defeat it: the debate for the address to the king to dissolve the parliament; and, indeed every obstacle which was thrown in the way of the court. He was called a fairy fiend that haunted both houses; and was made the principal if not the sole mover of all that spirit which appeared in the parliament and the nation.

The good or bad designs of the court, and the tendency of its measures, must render this charge either an honour or a disgrace to Lord Shaftesbury. That the intentions of the junto were pernicious, their counsels and their conduct very corrupt, appeared evidently at that time to the public, and hath ever since been allowed by all unprejudiced persons.

The capacity which Lord Shaftesbury had discovered in countermining the schemes of the court, and the boldness with which he laid them open to the nation, so irritated the junto, that a resolution had been formed to lay hold on the

first opportunity of securing or removing him ; A.D. 1675.
 and such an opportunity was afforded by the debate that arose concerning the long prorogation of the houses.

This prorogation was thought so dangerous to the constitution, that, before the opening of the session, it was become an object of general censure. When the parliament met, on the 15th of February 1676-7, the Duke of Buckingham, who had lately joined the country lords, endeavoured to prove that the last prorogation of the parliament was null and void in law. He maintained, likewise, in his speech, that the parliament was dissolved ; and grounded his opinion upon the ancient and unquestionable statutes of the realm. He urged particularly, that, in the 4th of Edward the Third, cap. 14, “ It is accorded that a parliament shall be holden every year once, and more often if need be ;” and that, in the 36th of the same king, in the act of parliament relating to Magna Charta, and other statutes, were these words : “ Item, For maintenance of these articles and statutes, and the redress of divers mischiefs and grievances which daily happen, a parliament shall be holden every year, as at other times was ordained by another statute.” The duke asserted,

A.D.
1676-7.

Meeting of
parliament.

Debate
whether it
was dis-
solved by
the last pro-
rogation.

A. A.
DECEMBER

that, as this prorogation had put off the parliament to a day beyond the year, the doing of which was excepted against by law, the parliament ought consequently to be dissolved. He desired that the judges, as was usual, might give their opinions upon the matter; and concluded with moving for an address to the king, that, for his own sake as well as the people's, he would speedily call a new parliament.¹²²

On the other side, it was moved by Lord Frecheville that the duke might be called to the bar, which was opposed, as an extravagant motion, by Lord Salisbury, who supported the duke's

¹²² The Duke of Buckingham threw his argument into a syllogism: — It is a maxim in the law of England, that the Kings of England are bound up by all the statutes made *pro bono publico*; that every order or direction of theirs contrary to the scope and full intent of any such statute is void and null in law: but the last prorogation of the parliament was an order of the king's contrary to an act of King Edward the Third, made for the greatest common good, viz. the maintenance of all the statutes of England, and for the prevention of the mischiefs and grievances which daily happen: ergo, the last prorogation of parliament is null and void in law." The duke appealed to the bishops whether this was not a true syllogism, and to the judges whether the propositions were not true in law? But it requires no great acuteness to discover, that, although the syllogism is correct in form, there is a manifest *petitio principii* involved in the minor premiss.

proposal with great courage and reason. However, another courtier, " Lord Arundel of Trerice, A. D.
1676-7. a man of no less consideration and authority than Lord Frecheville, renewed the motion for calling the duke to the bar : but there were yet too many lords between ; and the couriers of the house of commons brought up advice every moment that the matter was yet in agitation among them ; so that the Earl of Shaftesbury had opportunity to appear with such extraordinary vigour, both in what concerned the Duke of Buckingham's person and his proposal, that, the Earl of Shaftesbury appeared more properly another principal than the Duke of Buckingham's second. Thus, for five or six hours, it grew a fixed debate, till the expected news came that the commons were risen without doing anything ; whereupon the greater number called for the question, and had it in the affirmative that the debate upon the duke's question should be laid aside.

" Being thus flushed, but not satisfied, with their victory, the courtiers fell upon their adversaries in cool blood ; questioning such as they thought fit that night, and, the morrow after, sentencing them, viz. the Duke of Buckingham, the Earl of Salisbury, the Earl of Shaftesbury,

A. D.
1676-7.

and the Lord Wharton, to be committed to the Tower, under the notion of contempt, during his majesty's and the house's pleasure. That contempt was their refusing to recant their opinion, and ask pardon of the king and the house of lords. Thus a prorogation without precedent was to be warranted by an imprisonment without example."*

Proceed-
ings against
Lord Shaftesbury and
other lords.

When the debate was resumed, the three last lords, having spoken in their own defence, were ordered to withdraw; as was likewise the Duke of Buckingham, who took that opportunity to go out of the way, and so was not sentenced to the Tower the same day with the rest. The house then made a distinction between the offence of Lord Shaftesbury, and the offence of Lord Salisbury and Lord Wharton, or rather between their persons. It was allowed that the two last had not asserted that the parliament was dissolved, but only that the prorogation was illegal; and therefore it was ordered that they should be called to their places and reprehended there by the lord chancellor, and should be required to ask pardon of the king and the house: but Lord Shaftesbury was not to be so mildly

* Account of the Growth of Popery.

treated. The courtiers carried the question that he should be brought to the bar, and make his acknowledgment upon his knees in these words, viz. " I do acknowledge that my endeavouring to maintain that this parliament is dissolved was an ill-advised action ; for which I humbly beg pardon of the king's majesty and of this most honourable house." ¹¹³

A. D.
1676-7.

Lord Shaftesbury refused, however, to own himself guilty of the charge, and to make the acknowledgment required ; and therefore he was the first who, as a delinquent, was sentenced to be committed to the Tower during the pleasure of the king and the house. The Earl of Salisbury and Lord Wharton had too much honour and resolution to forsake him. They would not accept of the indulgence in the distinction which was made between them. They refused to ask pardon, and were upon that ordered to be

They are
committed
to the
Tower.

¹¹³ It appears from the State Tracts, temp. Car. II. that Lord Shaftesbury wrote two pamphlets upon this occasion : the one called " The Debate, or Arguments for dissolving this present parliament, and the calling frequent and new Parliaments, as they were delivered in the House of Lords, Nov. 20, 1675 ; " — the contents of this pamphlet do not by any means justify its title : — the other, under the well-worn name of " A Letter from a Parliament-man to a Friend in the Country."

A. D.
1565.

committed to the Tower. The Duke of Buckingham, who did not deny the charge of having asserted that the parliament was dissolved, surrendered himself the next day, and was committed likewise to the same place.

CHAPTER V.

Popularity of the imprisoned Lords.—Lord Shaftesbury's application to the King's Bench.—His speech to the Court.—His application is refused.—His three Letters.—Petitions the King and the House of Lords.—Makes his submission, and is released.—Subsequent resolution of the Lords.

WHEN the lords were first committed, great numbers went to visit them, which so provoked the court party, that the next day an order was made that they should be kept separate, and not suffered to meet together; and that no persons should be permitted to see them without leave of the house. But this had not the effect desired; for it produced daily applications from many of the peers, and other persons of distinction, for leave to visit them.

A. D.
1676-7.

Order concerning the imprisoned lords.

The house of lords, being under the influence of the court, showed its severity against several books which had been published in order to prove the dissolution. One of these was written by Lord Holles, and was called "The Grand Ques-

Books condemned by the house of lords.

tion, concerning the Prorogation of the Parliament for a year and three months, stated and discussed." It was removed from the press by Dr. Nicholas Carey, who, refusing, at his examination before the House of Lords, to discover his knowledge of the matter, was fined in the sum of one thousand pounds, and ordered to be kept a prisoner in the Tower till it was paid.

Upon the 16th of April, the two houses, by direction from the king, adjourned themselves to the 11th of May, and then to the 16th of July.

The views of the court in these adjournments, for which there was not the least pretence of public business, were very evident; for the four lords might have claimed a right to their discharge upon a prorogation being committed during the pleasure of the king and the house. The power over them during the recess centred in the king. This method of committing a number of members to prison for delivering their opinions in parliament, and of giving the crown a power to release or continue them in confinement, had a most dangerous tendency. It was opening a way for the king (being sure of a majority) to invade, at any time, the privileges of parliament, to terrify and punish such members as he disliked, and to weaken

thereby every opposition to his measures. It was A.D. doing likewise, under a parliamentary sanction, which must have a worse effect, what Charles the First had done by violence.

Lord Shaftesbury singly stood in the breach on this occasion. He resolved to assert the liberty of the subject in an open regular way; in a way which, he was assured, must draw the attention of the public. If the king had a power to release him, he thought an application to him more proper in his court of justice than in the cabinet. He took, therefore, the usual method, which every subject has a right to, for obtaining his liberty. Having very sufficient bail ready to offer, he petitioned the court of the king's bench for an habeas corpus; and upon the return of it, directed to the constable of the Tower, he was brought up to the bar, on Wednesday, June the 27th, 1677; but, there being a dispute about the sufficiency of the return, the Friday following was appointed by the judges to take it into consideration.

Lord Shaftesbury's application to the king's bench.

When the case was argued, his counsel gave many reasons why he ought to be bailed; but the attorney and solicitor general insisted that the court could not relieve any person committed by either house of parliament.

A.D. 1677. Upon this, Lord Shaftesbury readily answered their objections in the following speech, the substance of which only is preserved; but, from the inaccuracy in taking it down, its elegance is probably in a great measure destroyed.

“MY LORD,

His speech
in the king's
bench court.

“I did not intend to have spoken one word in this business; but what hath been objected and laid to my charge by the king's counsel, Mr. Attorney and Mr. Solicitor, inforces me to say something for your better satisfaction. They have told you that my counsel in their arguments said that this court was greater than the house of peers; I dare appeal to your lordship, and the whole court, that it was never spoken by them: I am sure it was not by any direction of mine. What is said by my counsel and me is, that this court is the most proper place to resort unto in those cases where the liberty of the subject is concerned. The lords' house is the supreme court of judicature in the kingdom; but yet there is a jurisdiction which the lords' house do not meddle with.

“The king's counsel mentioned it as a wonder that a member of the lords' house should come

hither to diminish the jurisdiction of the lords. I A.D. 1677.
acknowledge them to be superior to this or any
other court, to whom all appeals and writs of
error are brought; and yet there are jurisdictions
they do not challenge, and which are not natural
to them or proper for them. They claim not to
meddle in original cases; and so I might mention
in other things: and I do not think it a kindness
to any person or body of men, to give them a
power or jurisdiction which is not natural or
proper to their constitution. I do not think it
would be any kindness to the lords to make them
absolute and above the law; as I do humbly con-
ceive this must do, if it be adjudged that they, by
a general warrant, or without any particular cause
assigned, do commit me or any man to a per-
petual and indefinite imprisonment: and, my lord,
I am not so inconsiderable a person but what you
do in my case must be law for every man in
England.

“ Mr. Attorney is pleased to say I am a mem-
ber of the lords’ house, and to lay weight on the
word member. It is true I am one of them, and
no man hath a greater reverence and esteem for
the lords than myself: but I hope, by being a
peer or member of either house, I shall not lose

A.D. 1677. the privilege of an Englishman, or have the less title to Magna Charta or the other laws of English liberty.

“My opinion is not, with one of my counsel, (who argued very learnedly,) that the passing an act by the king’s royal assent cannot make a session, because the usual promise was not in it. It was without any instruction of mine that he mentioned that point.

“The king’s counsel tell your lordship of the laws and customs of parliament; and if this was so, I should submit: but this case of mine is *primæ impressionis*, and is a new way, such as neither Mr. Attorney nor Mr. Solicitor can show any precedent of; and I have no other remedy or place to apply myself to than the way I take.

“Mr. Attorney confesseth, that the king’s pleasure may release me without the lords. If so, this court is *coram rege*; this is the proper place to determine the king’s pleasure. This court will, and ought to judge an act of parliament null and void if it be against Magna Charta; much more may it judge an order of the house, that is put in execution to deprive any subject of his liberty: and if this order or commitment be a judgment,

as the king's counsel affirm, then it is out of the lords' hands, and properly before your lordship, as much as the acts which were lately passed, which, I presume, you will not refuse to judge of, notwithstanding Mr. Attorney-General saith that this parliament is still in being. I take it something ill that he tells me I might have applied elsewhere. A.D. 1677.

“My lord, I have not omitted what became my duty to the king: for, besides the oath of allegiance I took as a peer or an Englishman, there is something in my breast that will never suffer me to depart from the duty and respect I owe him. I am here before him: he is always supposed to be here present, and he alloweth his subjects the law.

“My lord, they speak much of the custom of parliament: but I do affirm there is no custom of parliament that ever their own members were put out of their own power; and the inconveniences of it will be endless.

“Mr. Attorney was pleased easily to answer the objection of one of my counsel: if a great minister be so committed, he hath the cure of a pardon, a prorogation, or a dissolution. But if the case should be put, why forty members, or a

A.D. 1677. greater number, may not as well be taken away without remedy in any of the king's courts, he will not so easily answer; and if there can be no relief in this case, no man can foresee what will be hereafter.

“ I desire your lordship will consider what rule you make in my case; for it will be a precedent that may, in future ages, concern every man in England.

“ My lord, Mr. Attorney saith you must either release or remand me. I differ from him in that opinion: I do not insist upon a release. I have been a prisoner above five months already, and came hither of necessity, having no other way to get my liberty; and, therefore, am very willing to tender your lordship bail, which are in or near the court, as good as any are in England either for their estates or quality; and I am ready to give any sum or number.

The opinions of the judges.

“ My lord, this court being now possessed of the business, I am your prisoner.”

Three of the judges gave their opinions that Lord Shaftesbury could not be relieved by that court; and though the fourth (Judge Twisden) was not present at the hearing, he had, before the court sat, desired Sir Thomas Jones to deliver his, likewise, against the discharge.

When the lords in the Tower saw the issue of this application to the king's bench, and that no other door would be opened for their liberty, they petitioned the king for their release. He readily granted the petition of the Duke of Buckingham,¹¹⁴ (who had been principal in the offence, if there was any,) the Earl of Salisbury, and the Lord Wharton; but Lord Shaftesbury was distinguished from the rest. He was continued in confinement, and kept under a severe restraint. To add farther to his mortification, there was another long and unprecedented adjournment, from the 16th of July to the 3rd of December; another from this day to the 15th of January; and then to the 28th.

A.D. 1677.

The other lords released upon petition.

Lord Shaftesbury still detained.

During these adjournments, no person could gain admittance to Lord Shaftesbury without a particular order from the king, who referred every one that asked to his brother the Duke of York. By this means Lord Shaftesbury's confinement was rendered as strict as possible; which, as he was not committed for high treason, was an

Severe treatment of him.

¹¹⁴ Upon their committal, Buckingham and Shaftesbury had requested that they might be attended by their own servants, and the first whom they chose were their cooks. This indirect accusation of an intent to poison them highly enraged Charles.

A.D. 1677. unnecessary act of cruelty; a weakness in any prince to show.

Lord Shaftesbury's close confinement was the greater hardship upon him, as he was labouring under an infirm constitution, which was owing to the accident that he had met with in the king's service at Breda. However, this deviation from the common forms of government and the customs of parliament, with no other view than to distress him and to subdue his spirit, as it was a proof of the court's resentment against him, was a proof, likewise, of its fear of him, and tended to raise his character with the public.

Three letters written by Lord Shaftesbury.

Lord Shaftesbury, finding the ministry determined not to discharge him, and the court of justice as resolved not to bail him, wrote those letters which are in Mr. Locke's Memoirs, and which give a true idea of the greatness of his spirit.

In his letter to the king, he expostulates with a becoming freedom, yet respect, upon his former services and the disinterestedness of them: that, in his conduct for effecting the Restoration, he had never betrayed the counsels of any person, had never held any secret correspondence with the king, nor ever made any private terms for

himself. If this assertion had been a falsehood, A.D. 1677.
 he could never have made such an appeal to the king, who was then incensed against him, and would certainly have discovered the untruth to expose him to the world. It is a great misfortune that the letter is imperfect; * for it ends abruptly, in the midst of a relation of facts, which would probably have set his conduct, both before and after the Restoration, in a fuller and clearer light.

His letter to the Duke of York contains no servile submission, and is a plain confirmation that he had never been in the duke's interest, which was so closely united with that of the French.

TO KING CHARLES THE SECOND.

SIR,

“THE Almighty God, the King of kings, per- To the King.
 mitted Job to dispute with him, and to order his cause before him : give me leave, therefore, great sir, to lay my case before your majesty, and to plead not only my innocence, but my merits towards your majesty ; for ‘my integrity will I

* In Mr. Locke's written which it may be presumed
 copy of this letter, it breaks Mr. Locke had lost the re-
 off at the end of a sheet, by mainder.

A.D. 1677. hold fast, and will not let it go: my heart shall not reproach me so long as I live.’

“ I had the honour to have a principal hand in your restoration ; neither did I act in it but on a principle of piety and honour. I never betrayed (as your majesty knows) the party or counsels I was of. I kept no correspondence with, I made no secret addresses to, your majesty ; neither did I endeavour or obtain any private terms or articles for myself, or reward for what I had done or should do. In whatever I did towards the service of your majesty, I was solely acted by the sense of that duty I owed to God, the English nation, and your majesty’s just right and title. I saw the hand of Providence, that had led us through various forms of government, and had given power into the hands of several sorts of men ; but He had given none of them a heart to use it as they should. They all fell to the prey, sought not the good or settlement of the nation, endeavoured only the enlargement and continuance of their own authority, and grasped at those very powers they had complained of so much, and for which so bloody and so fatal a war had been raised and continued in the bowels of the nation. I observed the leaders of the great par-

ties of religion, both laity and clergy, ready and forward to deliver up the rights and liberties of the people, and to introduce an absolute dominion; so that tyranny might be established in the hands of those that favoured their way, and with whom they might have hopes to divide the present spoil; having no eye to posterity, or thought of future things. One of the last scenes of this confusion was General Lambert's seizing of the government in a morning by force of arms, turning out the parliament and their council of state, and in their room erecting a committee of safety. The news of this gives a great surprise to General Monk, who commanded the army in Scotland.

A.D. 1677.

* * * *

TO THE DUKE OF YORK.

" SIR,

" I humbly confess I never thought my person or my principles acceptable to your royal highness; but, at that juncture of time and occasion when I was committed, I had no reason to expect you should be my severe enemy. Reputation is the greatest concern of great dealers in the world; great princes are the greatest dealers; no reputation more their interest than to be thought merciful, relievers of the distressed, and maintainers

To the
Duke of
York.

A.D. 1677. of the ancient laws and rights of their country:
 ——— this I ever wish may attend your royal highness,
 and that I may be one instance of it.”

TO THE LORD ———

To Lord — “ MY LORD,

“ I had prepared this for your meeting in December; but that being adjourned to the 3rd of April,* an age to an old infirm man, especially shut up in a winter's prison, forgive me if I say you owe yourself and your posterity, as well as me, the endeavouring to remove so severe a precedent on one of your members; such as I may truly say is the first of the kind, and I pray heartily may be the last. Your intercession to his majesty, if it be general, is not likely to be refused; if you are single, yet you will have done honourably, and what I should have done for you.”

Lord Shaftesbury petitions the house of lords.

When Lord Shaftesbury perceived that his letters were entirely disregarded, and that the

* Mr. Locke must have made a mistake in transcribing this letter, the parliament having been adjourned only from December to January; unless it is to be supposed that Lord Shaftesbury, by the closeness of his confinement, was ignorant of the times of adjournment.

king was more pleased with his present confinement than mindful of his former services : when he found the lords, at the meeting of parliament, but little solicitous about his liberty : when he saw that the public affairs were in a dangerous situation ; that the opposition in parliament was cool and inactive ; that the papists were become more bold and open in their proceedings ; that a great army was in the kingdom ; that the king and the Duke of York were pushing on their schemes of arbitrary power with more resolution than formerly ; and that, by their interposition, the Dutch were drawing off from the general alliance against France ; he became more earnest for his liberty ; and, on the 14th of February 1677-8, sent a petition to the house of lords, wherein he took notice of his having presented one to the king. But the junto, still desirous to keep him out of the way, procured, after a debate, that his petition to the house should be rejected, because in that to the king he had not made such an acknowledgment as they required.

A.D. 1677.

A. D.
1677-8.

Lord Shaftesbury was now as determined to obtain his liberty as the court was to debar him from it ; and in order to remove the least shadow of an obstacle, he sent another petition to the

He again
petitions the
king and the
house of
lords.

A. D.
1677-8.

king, and likewise to the house of lords, in which he made the acknowledgment which had before been required. As the former reasons, therefore, for detaining him no longer subsisted, the ministry had recourse to others. New difficulties were thrown in his way; his application to the king's bench was improved into a crime, and aggravated as an indignity to the king and the house of peers.

When his petition was debated, and the lords seemed inclined to release him, the lord chancellor, with a view to irritate them against him, acquainted them "that the king had received a third petition* from Lord Shaftesbury; but, understanding that he had endeavoured to free himself from their censure by appealing to the king's bench during the late adjournments, he did not think fit to signify his pleasure until the house had taken that matter into consideration."

Debate on
his having
appealed to
the king's
bench.

Upon this, the lords ordered the records of the court of king's bench, relating to the habeas corpus, to be laid before them; and afterwards

* As the lord chancellor mentions this as the third petition presented to the king, it is probable that Lord Shaftesbury had petitioned for his liberty in conjunction with the other lords, though not with the same success.

entered into a debate concerning Lord Shaftesbury's appeal.

A. D.
1677-8.

In this debate, all the peers who were not closely attached to the court, or under its influence, exerted themselves for Lord Shaftesbury and the liberty of the subject, which was violated in so open a manner by his long and unreasonable confinement. Lord Halifax, in particular, acted with great zeal; and those who could not attend ordered their proxies to be given in Lord Shaftesbury's favour. Among others, the worthy Earl of Salisbury* was careful to secure him his proxy, of which he sent him notice in the following letter:

"Feb. 20, 1677-8.

"MY LORD,

"If I had known your intention to petition the house, I would have stayed in town, to have done you what service I could. I have signed and sealed the inclosed, with a design my Lord Halifax should have it, though I never gave my

* This Lord Salisbury died a few years after; and his death was principally attributed to his great concern for his country, and to the melancholy situation of affairs: for Dr.

Lower told a friend of his lordship's (who was solicitous for his recovery) that he could easily cure my lord's illness if he could but cure him of thinking so much of the public.

A. D.
1677-8.

proxy before. I shall be extremely glad to hear
you have a happy success in this business; being
really,

My Lord,

“ Your faithful humble servant,

“ SALISBURY.”

Vote of the
lords con-
cerning it.

After the debate, which continued two days,
the ministry prevailed; and the lords came to
a resolution, “ That it was a breach of privilege
of that house for any lord committed by them
to bring an habeas corpus in an inferior court
to free himself from imprisonment during the
session of parliament.”

Lord
Shaftesbury
presents a
further pe-
tition to the
lords.

Lord Shaftesbury, upon this order, was strenu-
ous to assert his privilege as a peer, and his li-
berty as an Englishman; and, therefore, present-
ed another petition to the house, in which he
claimed it as his undoubted right to be present,
and to speak for himself upon a debate on any
new matter. As the lords could not refuse this,
they came to a resolution that Lord Shaftes-
bury should be permitted to make his defence.

He is
brought be-
fore them.

Accordingly, they appointed the constable of
the Tower to bring Lord Shaftesbury to their
bar on the 22nd of February; when the lord
chancellor acquainted him with their resolution

concerning his application to the court of king's bench; upon which, in a short speech, he made his submission. This submission was, however, regarded as too general; though he said, "No one was more tender of their privileges, and that he should never have applied for an habeas corpus if he had thought it any breach of them: and though there might be a probability of his having erred for want of a precedent to guide him, and by being deprived the benefit of counsel by reason of his close confinement, yet he resolved not to persist in anything that might offend the king or the house."

A. D.
1677-8.

Though the ministry were not, or pretended not to be, satisfied with his submission, it would have been too glaring an act of power to have continued his imprisonment under the old pretences; and therefore another attempt was made to keep up the resentment of the lords. Lord Treasurer Danby acquainted them, "that he had received a paper from one Blaney, giving an account of some words spoken by Lord Shaftesbury in the court of king's bench, which deserved their cognizance." But he could not fix the charge; nor could Blaney, when he was called in and examined, swear to the words.

A.D.
1677-8.

He makes
his submission.

This disappointment, as it ended in the confusion of the treasurer, tended to open the eyes of the peers, and to convince them of the hardships which they had imposed on one of their own body. They came immediately to a resolution in what form Lord Shaftesbury should make his acknowledgment; which being drawn up and read to him, he thought proper to acquiesce in it, and to submit to the house in the terms it had prescribed.¹¹⁵

It was then ordered that the lords with the white staves should wait upon the king, and acquaint him that the peers had received satisfaction from the Earl of Shaftesbury in the matter of the habeas corpus and the other contempt for which he stood committed; and that they became humble suitors to his majesty that he would be pleased to discharge him from his

¹¹⁵ The submission was sufficiently humiliating. It ran thus: "I do acknowledge that my endeavouring to maintain that the parliament is dissolved, was an ill-advised action, for which I humbly beg the pardon of the king's majesty and of this most honourable house; and I do also acknowledge that my bringing of an habeas corpus in the king's bench during this session, was a high violation of your lordships' privileges, and a great aggravation of my former offence, for which I likewise most humbly beg the pardon of this most honourable house."

imprisonment. The king's answer to their application was, that he would give orders accordingly.

A. D.
1677-8.

and is released.

This transaction, in the whole progress of it, was a most oppressive act of power; and, as it plainly evinced the violent temper of the court on one side, it showed, on the other side, the servile disposition of the members of the upper house, who could sacrifice the common liberty, and their particular privileges as peers, to the resentments of a tyrannical administration. The lords themselves afterwards manifested the same sense of this transaction, and justified the Earl of Shaftesbury's conduct in the following remarkable resolution, which they came to in a full house of above ninety lords.

Reflections
on this
transaction.

“ Die Sabbati, 13 Novembris 1680.

“ Whereas the Duke of Buckingham, the Earls of Salisbury and Shaftesbury, and Lord Wharton, were, contrary to the freedom of parliament, committed to prison by order of the lords' house of the 15th of February 1676-7, whereupon followed a series of many unprecedented proceedings, derogatory to the authority of parliament, and of evil example and precedent to posterity: for

Remark-
able subse-
quent reso-
lution of the
house of
lords.

A. D.
1677-8.

vacating, making void, and destroying such precedents for ever, and in vindication of the authority and freedom of parliament; upon complaint thereof made, and due consideration and debate thereof by the lords spiritual and temporal in parliament assembled, it is ordered, decreed, and adjudged, that the said order and proceedings concerning the said lords were unparliamentary from the beginning, and in the whole progress thereof; and therefore, are all ordered to be vacated (by virtue of this judgment) in the journal books of this house; that the same, or any of them, may never be drawn into precedent for the future."

CHAPTER VI.

Influence of Shaftesbury with the popular Party. — He obtains an Address for a War with France from the Commons. — It is lost in the Lords. — The Popish Plot. — Lord Shaftesbury's conduct in this affair. — Remarks on Bishop Burnet's account. — Sir W. Jones's opinion upon the Evidence. — Exclusion Bill projected. — Parliament dissolved. — Lord Shaftesbury's Speech at the assembling of the new Parliament. — Scheme for a new Council. — Shaftesbury made President. — Remarks upon Sir W. Jones's observations respecting Shaftesbury.

LORD SHAFTESBURY'S long imprisonment on so trifling an occasion, the injustice of it in the beginning, and the severity of it afterwards, convinced the nation of the enmity of the court towards him. His conduct gained for him a great accession of popularity; the visits which he received from the nobility and gentry, and the general joy that appeared on his enlargement, showed the esteem in which he was held by the public.

The progress of popery was now more clearly discerned than it had formerly been; the jealousy which the people had of the court was increased;

A. D.
1677-8.

General
joy on Lord
Shaftes-
bury's re-
lease.

A. D.
1677-8.

His senti-
ments con-
cerning a
peace with
France.

and, therefore, their eyes and their attention were naturally turned upon Lord Shaftesbury, who had been the spirit of the opposition, and by that means had become the terror of the French and popish party. All the leaders of the country interest resolved, on his obtaining his liberty, to consult with and to take their measures again from him. He had before declared, in parliament, his apprehensions that a peace, which would be favourable to the views and interest of France, might be formed at that juncture; and these apprehensions were confirmed by the measures which had been taken during his confinement. An army had been raised, and forces were sending into Flanders, under the command of the Duke of Monmouth, for the preservation, as was pretended, of that country; but Lord Shaftesbury knew that the English court could not be sincere in this measure. He foresaw that these forces would raise a jealousy in the States, of their not being designed to protect them against the French, but to support the Prince of Orange in his claim to the stadtholdership, the increase of whose power was greatly dreaded by the principal persons in the republic; nor was their fear of him a little

strengthened by the alliance into which he had lately entered with King Charles.

A. D.
1677-8.

Lord Shaftesbury was justly afraid that the States General, to secure themselves against the prince, would be prevailed upon to make a separate peace almost upon any terms; and he well knew that such a separate peace must produce a general one, by which the alliance would be dissolved, France remain in possession of her conquests, and the English court be at greater liberty to pursue its schemes in favour of popery and arbitrary power. He thought, however, that a vigorous disposition in the English parliament might confirm the Dutch, and defeat the measures which were now designed; and therefore he procured, by his friends in the house of commons, an address to the king, desiring him to declare war against France.

The commons vote an address for a war with France.

The design of this address was to disengage the king from the part he was acting as a mediator of the treaty carrying on at Nimeguen, and to prevail upon him to enter seriously into a war; with the real view of reducing the French monarch to such a condition as might prevent his being any longer formidable to Europe, or capable of disturbing its tranquillity.

A. D.
1677-8.

Debated in
the house
of lords.

The address was carried up by Lord Russell to the lords for their concurrence; and was debated, for two days, in a committee of the whole house; during which debate Lord Shaftesbury exerted himself with his usual eloquence. The ministry exerted their whole strength to get that part of the address, which was indeed the foundation of it, omitted, and obtained a majority in their favour; so that, after some conferences between the houses, the address was lost.

Though the king had demanded, in all his speeches, supplies for a war with France, he was, in fact, extremely averse to it; and was endeavouring to procure, by his mediation, a separate peace between France and Holland, on the French king's own terms; and such a peace was afterwards effected.

Vindication
of Lord
Shaftes-
bury's
opposition
to the
court.

It may not here be improper to make a few remarks with regard to some aspersions which have been thrown on Lord Shaftesbury's conduct. It has been said that he was of a restless and factious disposition; that he magnified too much the errors of government, and kept the people in a continual alarm. But when it is considered that regal power hath almost universally aimed at being independent of the people; that,

when corruption has gained an influence in the senate, the liberties of a state must be in the greatest danger ; and that the rescuing of a country from slavery often depends on a particular crisis ; we cannot be insensible that a real patriot ought to be always upon his guard ; that he should watch every step which is taken towards introducing an arbitrary government, and endeavour to stop every avenue by which it may be admitted.

A. D.
1677-8.

Lord Shaftesbury was too well versed in the history of former ages, too well acquainted with the nature of mankind, to be ignorant of these truths, and of their peculiar application to the situation of things in England ; and there were recent instances before him of other nations having been subjected to absolute authority. He was sensible that his country was in danger, in consequence of the tyrannic views of the court, the servile and degenerate temper of many of the nobility and gentry, the slavish principles of the clergy, the luxury spreading among the people, and the numbers who were daily corrupted by the church of Rome ; and he well knew that it was only by rendering the danger conspicuous and glaring, that he could rouse up such a public spirit as would save the constitution from destruc-

A. D.
1677-8.

tion. Without, therefore, being concerned at any reflections that might be cast on his conduct, or alarmed at any enemies it might create him, he persisted in opposing whatever he thought to be wrong, even when he stood single in his opposition.

Thus, upon the 23rd of March 1677-8, he alone entered his dissent against the lords spiritual sitting on the trial of the Earl of Pembroke for murder. The right of the bishops to sit upon any trial in capital cases became, in the next parliament, a subject of great contest between the two houses; and the commons were strenuous, likewise, in their opposition to it.

A.D. 1678.
The popish
plot.

In the year 1678, a discovery was made of the popish plot; with regard to which every reader may form his own judgment from the narratives and trials which were published at that time. It is certain that great pains were taken to stifle it by the men whose interest it was to have it concealed; and where the crown and the principal persons about the court set themselves to destroy the credit of any plot, they have powerful means of doing it, by secreting or intimidating the witnesses, by blasting their reputation, or by buying them off. The nation, however, in general, gave credit to it; and both houses of parliament unani-

mously declared that there was sufficient evidence for the belief of it. Indeed, whoever can read Coleman's letters, or reflect on the zeal of the Duke of York for popery, the king's secret attachment to it, the influence which his favourite mistress, who was a papist, had over him, and on many other circumstances that might be mentioned; whoever considers what a number of priests were daily brought into the nation, and the countenance which was shown them; whoever calls to mind their busy intrigues, their earnestness in gaining proselytes, and their open attempts afterwards in the reign of James the Second; must carry his incredulity to a very great length if he is not persuaded that the court had a view of introducing an arbitrary government, and that the papists were equally solicitous for restoring their religion. A.D. 1678.

Whether there was a conspiracy entered into against the king's life may be questioned; but that there was a design of infinitely worse consequence, a design laid against the constitution and the religion of our country, ought not to admit of a moment's doubt. The wisest protestants, both at home and abroad, thought that a secret catholic league was formed against the protestant inte-

A.D. 1678. rest by the popish clergy and several of their princes; nor were there wanting many circumstances that might induce such a belief.¹¹⁶

Lord
Shaftes-
bury's zeal
in discover-
ing its au-
thors.

As Lord Shaftesbury had been longer and more intimately acquainted with the views of the popish faction than most men, he had the greater reason to credit the evidence for the conspiracy; and he thought it incumbent upon him not to be terrified from doing his utmost towards the discovery and prosecution of its authors. He was chairman of the committee of the house of lords when Prance was examined about the murder of Sir Edmundbury Godfrey, and when other witnesses were produced with regard to the plot.

This station naturally gave him the direction of the inquiry; and this, joined with his zeal for the discovery, a zeal which was not a little augmented by the knowledge he had of the general designs of the court and the papists, rendered him very obnoxious to them. In order to defeat the discovery, it was the business of the papists to discredit the evidence, and to asperse the reputations

¹¹⁶ Shaftesbury was now, as I have already remarked, aware of the first secret treaty. Arlington had betrayed the secret to Ormond and Shaftesbury in 1673.—Letter from Colbert to Louis the Fourteenth.—*Dalrymple*, p. 90.

of those who were most intent upon bringing A.D. 1678. every circumstance to light. As, on this account, Lord Shaftesbury stood the most exposed to their virulence, he was accused in a pamphlet of threatening Prance in the severest manner, at an examination, if he did not charge some persons of the highest dignity with being concerned in the murder of Godfrey. This pamphlet was written by an anonymous author, who produced no authority for his assertion; and when it is considered how improbable it was that Lord Shaftesbury should use such methods in the presence of his fellow peers, many of whom were unquestionably men of honour, the accusation will gain no credit with any impartial person. Rapin justly observes that these assertions are produced without authority: he reasons with great candour upon them, and points out the improbabilities and incoherences contained in them.

Bishop Burnet charges Lord Shaftesbury with driving on the execution of the jesuits and the other persons who on their trials were found guilty of being concerned in the plot.¹¹⁷ He says,

Remarks
on Bishop
Burnet.

¹¹⁷ The bishop does not however, with some authors, attribute the original invention of this plot to Shaftesbury. Speaking of a private interview he had with Charles, at this time he says,

A.D. 1678. the shedding of so much blood, upon doubtful evidence, was owing to Lord Shaftesbury. This is a heavy accusation, and which ought not to have been brought against any man by a christian and a protestant bishop, unless it had been supported by the strongest testimonies. But let the matter be fairly considered. Lord Shaftesbury, who had examined the evidence—an evidence that induced both houses of parliament to vote, *nemine contradicente*, that there was and had been a damnable and hellish plot, contrived and carried on by popish recusants, for assassinating the king, for subverting the government, and destroying the protestant religion,—and who had examined this evidence in a committee of the house of lords, might very probably and very reasonably be earnest for bringing the delinquents to their trials. But, after condemnation, the execution of them depended solely on the king. Lord Shaftesbury

“The king suspected some had set on Oates and instructed him, and he named the Earl of Shaftesbury. I was of another mind. I thought the many gross things in his narrative showed there was no abler head than Oates or Tonge in the framing of it: and Oates in his first story had covered the duke and the ministers so much, that from thence it seemed clear that Lord Shaftesbury had no hand in it, who hated them much more than he did popery.”—*Burnet*, i. 438.

had at this time no interest in him; he was A.D. 1678. absolutely obnoxious to him; and, therefore, cannot justly be charged with driving on the executions.¹¹⁸

The bishop, who sometimes seems to believe the plot, acknowledges that he himself endeavoured to discredit the evidence. Sir William Jones, the attorney-general, he says, took it ill of him that he should disparage them; so did others. Lord Shaftesbury said, "that all those who undermined the credit of the witnesses were to be looked on as public enemies." The bishop owns that he had frequent conferences, at this time, with the king and the Duke of York, and about the plot. These conferences were known, and might afford some ground for apprehension in Lord Shaftesbury and others that Dr. Burnet was too much attached to the court.

One passage in the bishop's history, upon the Mistake of
the bishop
corrected.

¹¹⁸ The answer to this is very evident. These executions were pressed forward by the popular party, and the king was reluctantly forced to acquiesce. Bishop Burnet says, speaking of Coleman's trial, and of the report that he was kept from making confessions by the hopes the duke gave him of a pardon at Tyburn: "But he could not be so ignorant as not to know that at that time it was not in the king's power to pardon him, while the tide went so high."

A.D. 1678. affair of the plot, is remarkable. He says, upon Lord Stafford's trial, " Jones, in the name of the commons, resumed the evidence against him with great force. He said, indeed, nothing for supporting Oates ; for the objection against him was not to be answered."* If the bishop had looked into the State Trials, he would have found that Sir William Jones expatiated very largely upon the evidence of Oates, and supported it very strongly. This will be apparent from one or two paragraphs.

" My lord was pleased to object that the doctor was a man subject to passion, and he brought in the lieutenant of the Tower to speak of some hot words that passed between them. My lords, I will allow the doctor to be a man of passion ; nay, if my lord please, a man that is not of the deepest reach. But your lordships will observe, that passionate men are not often malicious, and that a man who is not of a deep judgment could never have contrived and invented a narrative consisting of so many particulars, and they so coherent, if they were false ; and if his narrative be not true, he must be endued with more subtlety and wicked policy than, upon trial, we can find

* Burnet's History, vol. i. p. 492.

in him : so that what my lord hath objected as to his infirmities, is no diminution of the truth of what he says, but rather a confirmation of it." A.D. 1678.

And afterwards. " There is another thing, my lords, that I would pray your lordships to observe. These witnesses, Mr. Dugdale and Dr. Oates, do give such an evidence as is impossible to be given unless it were true : for other witnesses, when they are put out of their road, and asked questions they did not expect, are commonly to seek, and must pump for an answer, and then answer with great difficulty and wariness ; but these two witnesses do not only answer with readiness when you ask them any question, but what is contained in every new answer doth add a farther probability and confirmation to what they said before : and I must needs say of them, it were impossible for any man in the world to contrive a story of so many particulars, and so consistent in every part of it, and yet the same should be false ; and, which is more, after so many trials, not one material circumstance of what they say contradicted by any solid proof." Certainly this is saying something, and in a very strong manner, for supporting Oates.

A.D. 1678.

Proceed-
ings in par-
liament.

Whilst the heat continued in parliament upon account of the plot, Lord Shaftesbury and his friends procured some bills which were of the greatest consequence. One, in particular, was to disable papists from sitting in parliament; and it considerably weakened the popish interest. It readily passed the house of commons, but met with greater difficulty in the house of lords, where a proviso was added in favour of the Duke of York.

Whether the plot was actually carried on so far as the evidence deposed, or not,¹¹⁹ it is certain that the behaviour of the papists gave the world reason to believe it. Their bold and alarming conduct was founded on having the successor to the crown of their own persuasion. As this circumstance alone, without any others, was extremely threatening to the protestant religion,

¹¹⁹ It cannot be supposed that the authors of this work mean to assert the veracity of Oates and his accomplices. Mr. Hume says, with much reason, "There are three events in our history which may be regarded as touchstones of party-men: an English Whig who asserts the reality of *the* popish plot, an Irish catholic who denies the massacre of 1641, and a Scotch jacobite who maintains the innocence of Queen Mary, must be considered as men beyond the reach of argument or reason, and must be left to their prejudices."—Vol. v. note N.

Lord Shaftesbury formed the design of a bill of A.D. 1678. exclusion; and concerted this with Lord Russell, Sir Henry Capel, and the rest of his friends in the house of commons. They resolved to proceed by degrees; and, in order to try how such an attempt would be received, they first procured a debate for an address to his majesty that he would be pleased to remove the Duke of York from his person and counsels. This debate was twice adjourned, but it was an evident preparative to the bill. The king viewed it in that light; and, before it could be resumed upon the last adjournment, he went to the parliament, and told the houses that he would be ready to pass any laws to make them safe under his successor, if such laws did not tend to impeach the right of succession.

Upon these proceedings of the commons, and their vigorous prosecution of the plot, the king grew dissatisfied with them, and therefore dissolved them, on the 24th of January 1678-9,¹²⁰

A. D.
1678-9.
Parliament
dissolved.

¹²⁰ The joy evinced by the popular party must have immediately convinced the king that this was a false step. In a quarto pamphlet, containing a collection of Andrew Marvell's political pasquinades, I find several sets of verses written upon this occasion. There was also published a list of the members who enjoyed places or pensions, and the amount of their emoluments, and the catalogue makes a large pamphlet. This

A. D.
1678-9.

after they had continued near eighteen years, and had, in the course of that time, considerably changed their character. At first they had favoured the prerogative in the highest degree; but afterwards, when the evil designs of the crown became too conspicuous to be denied, they became more patriotic and less compliant.

Meeting of
the new
parliament.

The day after the dissolution, writs were issued for a new parliament, which was appointed to meet on the 6th of March. The elections went generally against the court; which the king perceiving, he sent the Duke of York out of England, in order to persuade his new parliament that he was not governed by his brother.

The parliament met on the 6th of March 1678-9. The house of lords, on the 25th of the same month, entered into a debate upon a motion to take into consideration the state of the nation. Upon this occasion, Lord Shaftesbury made a very remarkable speech. Rapin quotes some part of it in his history; but says, he does not insert the whole, "because so much pains were taken to represent Lord Shaftesbury as the

house of commons had passively submitted to some very strong accusations of bribery, made openly in the house by its own members.

great enemy of the king, and the first mover of the whole party, that whatsoever came from him must be suspected." The reader may see it here at large.

A. D.
1678-9.

"MY LORDS,

"You are appointing the consideration of the state of England to be taken up, in a committee of the whole house, some day next week. I do not know how well what I have to say may be received, for I never study either to make my court or to be popular: I always speak what I am commanded by the dictates of the spirit within me.

Remarkable speech
of Lord
Shaftesbury.

"There are some considerations that concern England so nearly, that without them you will come far short of safety and quiet at home. 'We have a little sister, and she hath no breasts; what shall we do for our sister in the day when she shall be spoken for? If she be a wall, we will build on her a palace of silver; if she be a door, we will inclose her with boards of cedar.' We have several little sisters without breasts; the French protestant churches, the two kingdoms of Scotland and Ireland. The foreign protestants are a wall, the only wall of defence of England. Upon

A. D.
1678-9.

it you may build palaces of silver, glorious palaces.

“The protection of the protestants abroad is the greatest power and security the crown of England can attain to, and which can only help us to give a check to the growing greatness of France. Scotland and Ireland are two doors, either to let in good or mischief upon us: they are much weakened by the artifice of our cunning enemies, and we ought to inclose them with boards of cedar.

“Popery and slavery, like two sisters, go hand-in-hand. Sometimes one goes first, sometimes the other, in-a-doors; but wherever the one enters, the other is always following close at hand.

“In England, popery was to have brought in slavery; in Scotland, slavery went before, and popery was to follow.

“I do not think your lordships or the parliament have jurisdiction there. It is a noble and ancient kingdom: they have an illustrious nobility, a gallant gentry, a learned clergy, and an understanding worthy people; but yet we cannot think of England as we ought without reflecting on the condition they are in. They are under the same prince, and the influence of the same

favourites and counsels. When they are hardly dealt with, can we, that are the richer, expect better usage? for it is certain, that, in all absolute governments, the poorest countries are always most favourably dealt with.

A. D.
1678-9.

“When the ancient nobility and gentry there cannot enjoy their royalties, their shrevaldoms, and their stewardaries, which they and their ancestors have possessed for several hundreds of years, but that now they are enjoined by the lords of the council to make deputations of their authorities to such as are their known enemies; can we expect to enjoy our Magna Charta long, under the same persons and administration of affairs? If the council-table there can imprison any nobleman or gentleman for several years, without bringing him to trial, or giving him the least reason for what they do, can we expect the same men will preserve the liberty of the subject here?

“I will acknowledge that I am not well versed in the particular laws of Scotland; but this I do know, that all the northern countries have, by their laws, an undoubted and inviolable right to their liberties and properties: yet Scotland hath outdone all the eastern and southern countries in

A. D.
1678-9.

having their lives, liberties, and estates subjected to the arbitrary will and pleasure of those that govern. They have lately plundered and harassed the richest and wealthiest countries of that kingdom, and brought down the barbarous Highlanders to devour them; and all this without almost a colourable pretence to do it. Nor can there be found a reason of state for what they have done but that those wicked ministers designed to procure a rebellion at any rate, which, as they managed, was only prevented by the miraculous hand of God; or otherwise all the papists in England would have been armed, and the fairest opportunity given, in the just time, for the execution of that wicked and bloody design the papists had: and it is not possible for any man that duly considers it to think other but that those ministers who acted so were as guilty of the plot as any of the lords that are in question for it.

“My lords, I am forced to speak this the plainer, because, till the pressure be fully and clearly taken off from Scotland, it is not possible for me, or any thinking man, to believe that good is meant us here.

“We must still be upon our guard, apprehend-

ing that the principle is not changed at court, and that these men that are still in place and authority have that influence upon the mind of our excellent prince, that he is not, nor cannot be that to us, which his own nature and goodness would incline him to.

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1678-9.

“I know your lordships can order nothing in this; but there are those that hear me can put a perfect cure to it. Until that be done, the Scottish weed is like death in the pot, *mors in olla*. But there is something too, now I consider, that most immediately concerns us,—their act of twenty-two thousand men to be ready to invade us on all occasions. This, I hear, the lords of the council there have treated as they do all other laws, and expounded it into a standing army of six thousand men. I am sure we have reason and right to beseech the king that that act may be better considered in the next parliament there.

“I shall say no more for Scotland at this time. I am afraid your lordships will think I have said too much, having no concern there. But if a French nobleman should come to dwell in my house and family, I should think it concerned me to ask what he did in France; for if he were there

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1678-9.

a felon, a rogue, a plunderer, I should desire him to live elsewhere; and I hope your lordships will do the same thing for the nation, if you find the same cause.

“ My lords, give me leave to speak two or three words concerning our other sister, Ireland. Thither, I hear, is sent Douglas’s regiment, to secure us against the French. Besides, I am credibly informed that the papists have their arms restored, and the protestants are not many of them yet recovered from being the suspected party. The sea towns, as well as the inland, are full of papists. That kingdom cannot long continue in the English hands if some better care is not taken of it. This is in your power, and there is nothing there but is under your laws. Therefore I beg that this kingdom, at least, may be taken into consideration together with the state of England; for I am sure there can be no safety here, if these doors be not shut up and made sure.”

[These speeches, which Shaftesbury was continually delivering in the house, and distributing throughout the nation, produced an immense effect. This one, tinctured as it is with the phraseology of the period immediately preceding, was so skilfully addressed to the passions of the

Scotch that it called forth a rebellion. Forty written copies were sent off to Edinburgh the same night that it was spoken. The morning after their arrival eight thousand men were in arms. Shaftesbury and his party supported them by urging, that to send English troops into Scotland was contrary to the articles of treaty; and the city petitioned against the expedition. Charles mitigated its unpopularity by entrusting its conduct to Monmouth; and this young nobleman justified his father's confidence, by suppressing a rebellion which he might easily have rendered an instrument for securing the succession to himself.¹²]

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1678-9.

Rapin, who, as was before observed, quotes a part of this speech, says, "Thus much is certain, that his observation on the slavery of Scotland was exactly true; and that the Duke of Lauderdale, supported by the court, exercised among the Scots a tyranny unknown to their forefathers. What therefore could the English imagine when they saw a neighbouring kingdom, invested with

Rapin's
observation
upon it.

¹²¹ The effects of this speech are stated upon the authority of a pamphlet quoted by Roger North, and called, *The Spirit of Popery speaking out of the mouths of Fanatical Protestants*, p. 73.

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1678-9.

no less privileges than England, governed in so absolute a manner under the same king and the same ministry? Could they expect that the same principles would not be followed in England if it could be done with the same ease?"

A.D. 1679.
Scheme for
a new
council.

The king, to amuse the parliament, and gain time for his design, (as Rapin observes,) resolved to establish a new council; "into which were admitted some lords most opposite to him, as the Earls of Shaftesbury and Essex. This council consisted of thirty members: fifteen of whom were ever to be the present chief officers of his crown and household; ten were to be taken out of the nobility, and five out of the commons. But he took care, in this model of his council, to have a majority of such as were devoted to him. The Earl of Shaftesbury was made president of this council, though no man was more hated by the king. His aim was to persuade the public and the parliament, that he was resolved entirely to change his manner of governing, and be guided in all affairs whatsoever by the advice of the new council. But this was only to amuse the public; for the king found it impossible to depart from his principles concerning religion or government, and most of his new counsellors were equally

unwilling to sacrifice the royal authority to the will of the parliament." A.D. 1679.

Sir William Temple says, in his Memoirs, "that he was the person who first suggested the scheme of this new council to the king, and that the whole matter was consulted, and deduced upon paper, between the king and him alone, and lasted in the debate and digestion about a month; that afterwards his majesty ordered Sir William to communicate it to the lord chancellor, Lord Essex, and Lord Sunderland; that they received it with pleasure and amazement; and my lord chancellor said, it looked like a thing from Heaven fallen into his majesty's breast." But when we reflect upon the nature of a court, and on the king's character, it will be difficult to suppose that, for a whole month, he had not acquainted his principal ministers with it, and especially ministers who had his entire confidence; as was the case with regard to the lord chancellor, Lord Sunderland, and Lord Essex.

Sir William Temple's account of the forming of the new council.

"They went the next day,"* says Sir William, "to his majesty, and had a very long audience; upon which no difficulty arose but two that were wholly personal. Sir William had proposed Lord

* Sir William Temple's Memoirs.

A.D. 1679. Halifax as one of the lords ; whom the king had at first opposed, and now raised new difficulties, and appeared a great while invincible in them, but at last consented. The other was concerning Lord Shaftesbury, whom the king proposed, to which the lord chancellor, Lord Sunderland, and Lord Essex agreed ; but Sir William disputed it from the first mention to the last conclusion of it ; and, when he saw it would be concluded, he walked away to the other end of the room, not knowing well whether he should have gone out or not if the doors had been open : but turning again, he desired his majesty to remember that he had no part in Lord Shaftesbury's coming into his council or his affairs ; that his majesty and the other three lords had resolved it without him, and that he was still absolutely against it ; upon which the king laughed, and turned his anger into a jest."

Proofs of Sir
William's
hatred to
Lord Shaftesbury.

This is certainly a convincing proof of the hatred Sir William bore to Lord Shaftesbury ; a hatred which carried him so far, that, even in the king's presence, he was unable to repress it, and urged him to oppose a measure so absolutely necessary for the success of the new scheme, that his disapproval of it was an error which a man of his

knowledge of the world could never have fallen A.D. 1679.
into but through the heat of passion.

Sir William says afterwards, "that when he found he could not hinder Lord Shaftesbury's being brought in, he would have been very well content to have had the design of the new council prove abortive." If he could suppose that these thirty lords and commons, men of the greatest credit, the amplest fortunes, and most extensive abilities, and the majority of whom were extremely attached to the king and the prerogative, would be solely influenced by Lord Shaftesbury, it must tend to give either the highest idea of Lord Shaftesbury, or the lowest of the rest of the council. If he did not suppose that they would be governed by Lord Shaftesbury, Sir William's readiness to sacrifice such a design, which was the only one he thought could save the nation, is a farther proof of his personal resentment.

Sir William wrote these Memoirs whilst Lord Shaftesbury was living. If he had written them after his death, perhaps his anger would have been less vehement. But, notwithstanding there is in them such a peculiar sharpness against Lord Shaftesbury, Sir William does not lay one thing to his charge that affects his integrity or his

Sir William produces no real charge against Lord Shaftesbury.

A.D. 1679. honour. "He knew him so little that, he says, he never had any talk with him, or anything to do with him but once, farther than in the council chamber; and that was at Lord Halifax's house, when they were digesting the treaty with Holland."*

Sir William, indeed, attributes the conduct of the parliament to the influence of Lord Shaftesbury; but whether this does not redound to his honour, let the reader determine. The following passages constitute the whole of Sir William's accusation.

Remarks on
Sir William
Temple
continued.

When the king acquainted the commons with the establishment of his new council, they received it with great coldness, suspecting it to be a mere court juggle, and referred it to time to explain the real truth of the case.

"This," says Sir William, "was the first effect of Lord Shaftesbury's good meaning to the king and his affairs." A very short time, however, proved it to be just what the commons suspected, —a mere court juggle.

"Matters were growing very untoward, by the practices of Lord Shaftesbury, with the Duke of Monmouth's cover at least, and upon the ill-

* Sir William Temple's Memoirs.

humour of the house of commons about the business of religion." This ill-humour was alarm at the great progress of popery, and the countenance it received from the court, and a zeal for preserving the protestant religion; which have generally and justly been regarded as highly commendable in the parliament at that time. A.D. 1679.

Again, "Both houses of parliament seemed to have no eyes but for the dangers of popery upon the duke's succession to the crown, which humour was blown up by all the arts and intrigues of the Duke of Monmouth and the Earl of Shaftesbury."

And afterwards, "The house of commons were busy in finding out expedients to secure the nation without changing the laws in point of succession; but could agree in none, being still diverted from fixing on any by Lord Shaftesbury's practices. The council fell upon the same scent with great earnestness and endeavour, and, after much hammering, agreed upon many heads to be offered the parliament, which are commonly enough known. These expedients," says Sir William, "were agreed upon by all the council except Lord Shaftesbury and me, who were against them upon different grounds."

A.D. 1679. Sir William's chief reason was, "Because as he did not see any certain case these expedients would give the king, though agreed to by the houses, so it was evident to all men, that they would leave the crown after him in shackles, which, put on upon the duke's occasion and in his time, would not be easily knocked off by any successor.

"My Lord Shaftesbury's ground was plain, and so expressed by him upon all occasions; which was, that there could be no security against the duke if once in possession of the crown."

If Lord Shaftesbury's judgment was plain upon this occasion, the events in King James's reign proved it to be right: when no laws were found to be a security against a prince who could assume a power of dispensing with them; against a king who, with an army at his command, determined to be absolute; and when the open attempts of the popish party exhibited a full proof of what nature their private ones had formerly been.

Different
political
views of Sir
William
and Lord
Shaftes-
bury.

Sir William says, "that Lord Shaftesbury was dissatisfied with him from the beginning. "They were, indeed, in their principles diametrically opposed. Sir William was an advocate for passive

obedience, and had, in his writings, carried so far A.D. 1679.
the notion of paternal dominion, that his friend Lord Halifax, who was a man of letters and no enemy to monarchy, had, as he himself acknowledged, reproved him for it. He was steadily attached to the interest of the Duke of York; Lord Shaftesbury knew the interest of the duke to be closely blended with that of France, popery, and absolute power, and he opposed it to the utmost. Sir William Temple was one of those who, out of council, had advised the prorogation of the parliament, in order to put a stop to the proceedings against popery and the plot; Lord Shaftesbury expressed openly in the house of lords very great resentment at this prorogation, and inveighed against its advisers. Sir William was a participator in the secret counsel for a dissolution of the same parliament, with which Lord Shaftesbury was equally offended; for the house of commons in being was composed of gentlemen of the best fortunes and quality, who had been truly chosen by the people, and who were too jealous of the court to be influenced by it. The houses were, indeed, at this time taking the most prudent steps for the liberty of the subject; and of these the habeas corpus act was the most memorable and effective.

A.D. 1679. The reader, who considers Sir William's Memoirs with greater coolness than that with which they were written, must observe that, contrary to the author's intentions, Lord Shaftesbury forms a very important figure in them. He uses no collusions, no hypocrisy; but is open and plain in his advice, and steady in his conduct.

Observations of Rapin.

Rapin, after speaking of Sir William's insinuations against Lord Shaftesbury, makes the following remarks, which are too pertinent to be omitted: "It is not easy to comprehend how a single man should have had credit enough in the country party to direct them as he pleased, if that party had not otherwise known what Shaftesbury laboured to make them believe. For instance, this earl insinuated that the nation could not be secured against the Duke of York; and that, when he should once possess the crown, all provisions against him would vanish. Was he in the wrong?" After relating some of the causes of the nation's suspicions and fears, he goes on: "After this, how is it possible to believe that Lord Shaftesbury's intrigues and artifices were the sole cause of the commons' distrust? I do not doubt that he contributed to them; and that, being so well informed as he was of the king's secret de-

signs, he opened the eyes of many people who, perhaps, would have been deceived by the artifices of the court. But this is not what is meant by ascribing the people's fears and jealousies to the intrigues of the earl. That he was actuated by a spirit of revenge, is no concern of mine ; but the event too plainly showed how agreeable were his advices to the interest of the kingdom." A.D. 1679.

CHAPTER VII.

The Habeas Corpus Act passed.—Charles dissolves the Parliament, and dismisses Shaftesbury from the Presidency of the Council.—Presbyterian Plot.—Attempts to assassinate Shaftesbury ; their failure.—Petitions for a Parliament.—Shaftesbury's advice to the Council is acted upon.—He presents the Duke of York as a Popish Recusant.—Meeting of Parliament.—The Commons pass the Exclusion Bill.—The Lords throw it out.—Lord Shaftesbury's Speech in the Lords.—He is accused of inventing the Popish Plot.

A.D. 1679.

History of
the habeas
corpus act.

THOUGH Lord Shaftesbury was appointed president of the council, he continued the same unwearied endeavours in the cause of freedom, and the same unalterable regard for the liberty of the subject. As he had suffered so much by an unjust imprisonment, he employed himself in contriving the most effectual methods to preserve others from the same calamities. With this view he drew up one of the most important and useful bills that was ever brought into parliament, entitled, " An act for the better securing the liberty of the subject." This is now universally known by the name of the Habeas

Corpus act; but at that time, it was commonly A.D. 1679. called Lord Shaftesbury's act.¹²²

Shaftesbury was not only the originator of this bill, we owe to him its preservation also and ultimate success; for after it had passed the house of commons, it met with great opposition in the lords. The court exerted their whole strength to throw it out, and Lord Shaftesbury supported it with his usual eloquence and spirit. Several amendments were made in it by the lords, with some of which the commons disagreed; and this occasioned many free conferences between them.

The court resolved to make its advantage of these disputes; and on the 27th of May 1679, it was known that the king intended to go to the house that morning, and, after passing the acts ready prepared, to prorogue the parliament, which would have defeated the habeas corpus bill. Another conference was therefore moved

¹²² It is well known that this bill was produced by the imprisonment under an order of council of Francis Jenkes, a London trader. The infamous conduct of the judges in refusing him a habeas, had an effect which they little foresaw. "Thank God that I have still courage enough to serve his majesty," said the chancellor as he resolved to perjure himself, and prostitute his high office to support his master's tyrannical conduct.—See this case at large in the *State Trials*, vol. vi. col. 1819.

A.D. 1679. for to be held immediately. This the ministry opposed; but upon the division it was carried, by fifty-seven against fifty-five, that the conference should be held presently; and the commons agreed at it to admit of the lords' amendments. The Earl of Shaftesbury, who reported the conference, acquainted the lords that the bill was delivered closed up and perfected: and the king coming immediately after to the house, it passed into a law.

When the house of peers divided upon it, it was carried by an accident. Bishop Burnet says, "Lord Grey and Norris were named to be the tellers. Lord Norris, being a man subject to vapours, was not at all times attentive to what he was doing: so, a very fat lord coming in, Lord Grey counted him for ten, as a jest at first; but seeing Lord Norris had not observed it, he went on with this misreckoning of ten: so it was reported to the house, and declared, that they who were for the bill were the majority, though it indeed went on the other side."

When the numbers were reported from the woolsack,* the ministry, who knew their strength,

* By the minute book of the house of lords it appears that there were one hundred and seven lords only present, and one hundred and twelve were counted upon the division.

were surprised; and whilst they were whispering one another, Lord Shaftesbury, who found there was a mistake and guessed their intentions, immediately started up, and spoke upon the first thing that occurred to him almost an hour. Whilst he was speaking, several lords went out and others came in; so that it was impracticable to re-tell the house. By this means the bill was carried; and for this bill alone, if there were no other reason, the name of Lord Shaftesbury deserves to be held in grateful remembrance by every friend to the British constitution.

A.D. 1679.

May 26.

This was the only act of any consequence that passed in the new parliament; for when the commons had voted, *nemine contradicente*, "that, the Duke of York being a papist, the hopes of his coming such to the crown had given the greatest encouragement to the conspiracies and designs of the papists against the king and the protestant religion;" when they had begun an inquiry after the pensioners in the last parliament, several of whom were discovered; and, especially, when they had brought into the house the bill of exclusion; the king determined to prorogue them. This resolution he formed and executed without the knowledge of his coun-

Parliament
prorogued.

A.D. 1679. cil,¹²³ though he had solemnly declared that he would be guided in all things by their 'advice: and soon after, contrary to the sentiments of the greater part of them, he dissolved the parliament.

and dis-
solved.

New parlia-
ment sum-
moned.

This dissolution took place on the 12th day of July 1679; and the king summoned another parliament to meet on the 17th of October following. Rapin says, "he hoped to find the next more tractable, but was very much deceived. The people, who no longer regarded what came from the court, affected to send such members as were of the country party, as being the most proper to oppose the designs of the king. The Earl of Shaftesbury was at the head of this party, and without doubt greatly contributed to inflame the passions of the people."

Lord Shaf-
tesbury's
activity.

Lord Shaftesbury did, indeed, exert himself at this time in an extraordinary manner. His spirit and the influence of it were universally apparent. The members of the house of commons had

¹²³ This is not altogether correct. Charles persuaded Sunderland, Essex, and Halifax, who led the majority of the council, that the dissolution was to their interest, as the commons were preparing a remonstrance against both himself and his ministers: but Shaftesbury was not so easily duped; he threatened aloud that the advisers of this measure should answer for it with their heads.

taken their measures chiefly from him; and A.D. 1679.
 the party of the people, who were zealous for
 the civil and religious liberties of their country,
 looked upon him as their head, and were govern-
 ed by his advice.

Before the meeting of the parliament, the king The king's illness.
 was seized at Windsor with three fits of an in-
 termitting fever, upon which occasion the Duke
 of York was privately sent for over, and came
 to England with great speed and secrecy. The
 king, being recovered,* pretended surprise at his
 arrival; but this dissimulation was not capable
 of deceiving the Earl of Shaftesbury, who moved Motion of Lord Shaftesbury concerning the Duke of York.
 in the council that his majesty should be ad-
 vised to send the duke abroad again. The mo-
 tion however was rejected, because the majority
 of the council were entirely devoted to the de-
 signs of the king and the duke.

When the duke afterwards, in October, met
 the king at Newmarket, in order to finish the
 scheme of his going to Scotland in the room
 of the Duke of Lauderdale, Lord Shaftesbury,
 as we are informed by Bishop Burnet, "called
 a council at Whitehall, and represented to them
 the danger the king was in by the duke's being

* Rapin.

A.D. 1679. so near him, and pressed the council to represent this to the king. But they did not agree to it; and, upon the king's coming to London, he was turned out from being president of the council."

Lord Shaftesbury dismissed from the council.

Parliament not suffered to meet.

The king, having now given himself entirely up to the direction of the Duke of York, resolved not to suffer the parliament to meet; and accordingly, on the 15th of October, two days before the time appointed for its sitting, he prorogued it, without the advice of his council.

Sham plot.

"In the latter end of the same month, about a fortnight after the prorogation," says Rapin, "a sham plot was discovered, contrived by the papists, to bring an odium upon the Presbyterians and the heads of the country party. This project had been formed, the beginning of August, by the Countess of Powis, Elizabeth Cellier a midwife, the Earl of Castlemain, and the five lords in the Tower. The design was to make use of false witnesses to accuse Oates of perjury; to assassinate the Earl of Shaftesbury; and to charge the Duke of Buckingham, the Earl of Essex, the Duke of Monmouth, the Lord Halifax, and several considerable citizens of London, with being concerned in a plot against the king. One Dangerfield was to be the principal actor in this scene."

Lord Shaftesbury was likewise set down A.D. 1679. among the rest, as a participator in this imaginary conspiracy.*

This Dangerfield had gone through almost every scene of villany, and was taken out of gaol for the present purpose. He made several attempts to assassinate Lord Shaftesbury, for which he was to receive (as he afterwards declared) five hundred pounds. To excite him to it, he was told by his employers, that if they were rid of Lord Shaftesbury, as they were of Sir Edmund-bury Godfrey, it would be no difficult thing to bear down the rest of their opposers. He was promised that one Mr. Regaut, a Virginian merchant of Mrs. Cellier's acquaintance, should come to him to instruct him in the most dexterous and probable means of putting the design in execution, and to secure the payment of the five hundred pounds. He went two or three times to Thanet House in Aldersgate Street,¹²⁴ where

Attempts to
assassinate
Lord
Shaftes-
bury:

By Danger-
field;

* Bishop Burnet takes no notice of the designs to assassinate Lord Shaftesbury, or of his being set down in the scheme to be sworn against.

¹²⁴ Both Shaftesbury and Buckingham, from constantly living in the city, were familiarly called aldermen; the former generally Alderman Shiftsbury, a piece of good-humoured, raillery by

A.D. 1679. Lord Shaftesbury had lived from the time the seals were taken from him. At the first time he pretended private business with him; but, as he was very incoherent in his relation of it, Lord Shaftesbury kept such a very attentive eye upon him, that he was deterred from his purpose; especially when he saw one of his lordship's gentlemen coming into the room.

By Mrs.
Cellier.

Dangerfield was equally unsuccessful in a second attempt. Upon this, * Mrs. Cellier reproached him with cowardice, and said she would undertake to do it herself. She went accordingly, and desired a private audience of him, which he granted: but, as she was not ready enough in her tale to blind his sagacity, he kept a watchful eye on her during the discourse; and perceiving her to be fumbling in her pockets, he gently laid his hand upon hers, and pleasantly drolled with her concerning her pretended business, till Mr. Wheelock, one of his gentlemen, came into the room, and pulling out her hand, found the dag-

* This Mrs. Cellier was a woman of an abandoned character, and some time after was executed for the murder of her husband.

which the people reminded their idol that his acts while lord chancellor were not forgotten.

ger in her pocket ; upon which, Lord Shaftesbury A.D. 1679.
dismissed her without any expression of resentment.¹²⁵

“The Lady Powis,” says Rapin, “gave Dangerfield a model of the plot, which he was to convey into the house of some pretended conspirator, and there cause it to be found. He made some attempts to assassinate the Earl of Shaftesbury, but was prevented by several accidents. At last, on pretence of seeing some rooms, which he said he intended to hire, he went to Colonel Mansel’s lodgings, and found means to pin some dangerous papers behind his bed’s head. This done, he informed two officers of the custom-house that there were in those lodgings prohibited goods to the value of two thousand pounds. The officers repairing thither the 22nd of October, searched everywhere in hopes of finding their prey ; but, as they did not think to search behind

Rapin’s account of Dangerfield.

¹²⁵ We can have little hesitation in rejecting these stories of attempts at assassination. They evidently belong to the party fictions of the time. The account given in the text is an abridgment of a more minute and incongruous story in Rawleigh Redivivus. Notwithstanding the indiscriminating appetite for gossip which the author of that tract evinces, he has been quoted as an authority by many historians ; perhaps Rapin relied upon him.

A.D. 1679. the bed, Dangerfield himself found the papers.

The officers, carrying these papers to their superiors, had orders to return them to Mansel. Four or five days after, the colonel meeting Dangerfield in the street, carried him directly to Whitehall, and brought him before the king and council. He was strictly examined, and after a full hearing, his contrivance being detected, he was sent to Newgate. Two days after, on the 27th of October, he made a confession upon oath, before the lord mayor, of the whole scheme, and discovered the persons by whom he had been employed."

Deposition
of Francisco de
Faria.

Besides these attempts of Dangerfield and Mrs. Cellier, Francisco de Faria, interpreter to the Portuguese ambassador, deposed, at a committee of the house of lords, "that the ambassador would have persuaded him to destroy the Earl of Shaftesbury by throwing a hand-granado into his coach." * By order of the peers, Faria gave in an information in writing concerning the affair; and alleged that the reason why the ambassador wished for the destruction of Lord Shaftesbury was, because he obstructed all the designs of the papists.

*Journals of the House of Lords.

The king had prorogued the parliament from A.D. 1679. the 17th of October to the 20th of January, and he had promised the Duke of York, before his departure for Scotland, that it should not sit during the whole winter. The detection of Dangerfield's sham plot, and the countenance which he had received, irritated the minds of the people to a great degree; and their uneasiness was not a little increased, when it was soon after known that the king intended to prorogue the parliament from January to the November following.

Bishop Burnet says, that "upon this Lord Shaftesbury set on foot petitions for a parliament, in order to the securing the king's person and the protestant religion." These petitions were for the sitting of the parliament on the 20th of January, pursuant to the late prorogation. They were, indeed, set on foot by him; and, to exhibit an example to the rest of the nation, he, and the Earls of Huntingdon, Clare, and Stamford, with six other peers, being introduced by Prince Rupert, presented the following petition to the king :

Petitions
for the
meeting of
parliament.

By ten
peers ;

"SIR,

"WE are here to cast ourselves at your majesty's feet, being ten of the peers of your realm

A.D. 1679. of England ; and, in the name of several others of our fellow peers, do humbly beg that your majesty would consider the great danger your royal person is in, as also the protestant religion and the government of these your nations :—We humbly pray that, in a time when all these are so highly concerned, your majesty will effectually use your great council,—the parliament.

“ Sir, out of the deepest sense of duty and loyalty to your majesty, we offer it as our humble advice and earnest petition, that the parliament may sit at the time appointed ; and that your majesty would be graciously pleased to give public notice and assurance thereof, that the minds of your majesty’s subjects may be settled and their fears removed.”

By the city
of London
and other
places.

A petition was afterwards presented from the city of London, which was soon followed by others from all parts of the country ; and if they did not induce the king to let the parliament sit, they convinced the nation of the necessity of it.

The king
incensed at
them.

The king was much incensed at these petitions. He told Mr. Thynne,* who presented the Wiltshire petition, and was accompanied by Sir Walter St. John and Sir Edward Hungerford, “ that he

* London Gazette, January 22, 1679-80.

came from a company of loose disaffected people; adding, What do you take me to be? and what do you take yourselves to be? I admire, gentlemen of your estates should animate people to mutiny and rebellion. You would not take it well I should meddle with your affairs, and I desire you would not meddle with mine, especially with a matter that is so essential a part of my prerogative.”

A.D. 1679.

His treatment of the petitioners.

He spoke still more roughly to Sir Robert Barrington, Colonel Mildmay, Mr. Honeywood, and other gentlemen, who presented the petition from the county of Essex: and to the gentlemen who presented the petition from the quarter sessions of Berkshire, he said, “that they would agree the matter over a cup of ale when they met at Windsor, though he wondered his neighbours should meddle with his business.”

The king published a proclamation against these petitions: and, as soon as the parliament was prorogued in January, the court procured addresses to be sent from several places, declaring their abhorrence of petitions for the sitting of the parliament.

A. D.
1679-80.

Proclamation against petitions.

Counter addresses.

Though Lord Shaftesbury had been for some time removed from being president of the council,

A. D.
1679-80.

he was in frequent consultations with several of the members of it; as, the Earl of Essex, Lord Russell, Lord Cavendish, Sir Henry Capel, and Mr. Powle, who were greatly influenced by him. This appears from the following excellent paper, which displays his spirit and the frankness of his temper.

“ January 30, 1679-80.

Lord Shaftesbury's paper of advice to some members of the council.

I HAVE altered my opinion since last night, on second thoughts; and now think nothing clearer than that you ought to quit, and that presently and in a body together, both for your own sakes, the nation's, and the king's service.

“ You may not have so fair an opportunity again offered, which so distinctly justifies you to the world.

“ Every day may engage you in new and illegal proceedings, like that of the proclamation against petitions.

“ If the D. of Y. shall be admitted to the council, as in Scotland, you must either quit upon that, which is a less score, or continue his fellow counsellors.

“ If the papists (of whom the D. of Y. is the manifest head) shall attempt, within a few weeks, to alter the religion and government by the

assistance of the French, whose forces and provisions are ready upon the coast next us, your lordships have continued as blind watchmen for us, and will never be received into the number of good Englishmen.

A.D.
1679-80.

“As our affairs stand, we have no hopes of a good composure but by the weight of the nation in a manner compelling us to take right counsels. To this end, your lordships going out together at this time extremely serves; and the sense of the body of the protestants and sober men, made known to his majesty by their addresses and petitions through the whole nation, will not a little contribute.

“Those that are not for this cure, must either rely on violent courses, or resolve to give up all. It can have no effect upon the Dutch treaty. The reputation of our alliance is necessary to them, and more they hope not from us. The prorogation to the 15th of April makes all things else impossible. Besides, the Dutch alliance is a thing in itself good and desirable; but as wholesome and nourishing meat, though good in itself, yet to a disordered stomach serves only to add to the disease, so with us, if this alliance serves to raise money, men, and ships, for our mutual

A. D.
1679-80.

defence, under the conduct of his Rl. Hs., it had been much better never made. Nothing is good but what tends to set things right at home in the first place.

“ Your lordships, in particular, will never have such an opportunity to restore yourself to the nation again. The counsel of good husbandry, to live without parliaments, the counsel of dissolving the last parliament, both lie heavy upon your lordships; and must leave you and others, in the opinion of the best men, as the worst ministers that have come yet.¹²⁶ But you may by this convince all good men, that what is past was mistake, not malice; and they will be ready to embrace, with open arms, men of your consideration, both for quality, ability, and fortune.

“ Your lordships see with what candour and clearness I deal with you. I expect the same again from you; and when you have read this paper twice, and taken out what notes you please with your own hand, that you burn it before the bearer. As you are, you serve only to delude the

¹²⁶ This observation supports the remark I have before made, that the majority of the council did indeed consent to the dissolution of the last parliament, although they were brought to agree to the measure by the artful misrepresentations of their master.

world with vain expectations of what they shall never find, and give the papists an opportunity to stalk with you, and destroy us under your bellies."

A. D.
1679-80.

The reader will observe that the paper is dated January 30, 1679-80; and it appears, by the Gazette, that the next day, Lord Russell, Lord Cavendish, Sir Henry Capel, and Mr. Powle, waited on his majesty, and desired to be excused from any farther attendance at the council.

Four mem-
bers of the
council re-
sign.

Though it is not mentioned in the paper to whom it was delivered, it must probably have been to Lord Essex, as the other four counsellors had been averse to the prorogation and dissolution. The Earl of Shaftesbury had lived many years in great friendship with the Earl of Essex, who, during his lieutenancy in Ireland, desired upon frequent occasions (as appears by several letters) the advice of the other, and constantly applied to him, when he wanted any unreasonable grant of the king's in Ireland to be opposed. This he particularly did when Phoenix Park was granted to the Duchess of Cleveland. Lord Essex, as Sir William Temple says, had given his opinion in council both for the prorogation and dissolution.

A.D. 1680.

The court
and popish
party
elated.

The coun-
try party
dejected.

The Duke
of York
presented
as a popish
recusant.

The court was much elated by the addresses against the petitions, and by the long interval of parliament. The Duke of York, who was sent for from Scotland, grew sanguine in his hopes, and the papists became more active than ever. It was thought that the king would trust no longer to parliaments, but govern without them, and receive his supplies from France. The country party were astonished: from astonishment they were sinking into despair, and, indeed, with reason; for the duke was returned in triumph, and seemed to be fully confirmed in his power. But difficulties only served to rouse the Earl of Shaftesbury's courage, and to quicken his attention. He saw that it was necessary to take some step the boldness of which would animate the people and confound the counsels of the court. On the 26th of June 1680 he went publicly to Westminster-hall, attended by several peers and gentlemen of the first distinction, and at the King's Bench bar, by a bill in form, he presented the Duke of York to the grand jury as a popish recusant. “* The thing was but too true, and the whole kingdom was sensible of it: but, till this time, no man had dared to take such a step;

* Rapin.

which was considered as a formal design to break A.D. 1680.
all measures with the duke."

The following reasons for the indictment were subscribed by himself, and the other peers and gentlemen who joined with him in the presentment.

"First. Because, the 25th Car. II. when an act was made to throw popish recusants out of all offices of place and trust, the Duke of York did lay down several great offices and places, (as lord high admiral of England, generalissimo of all his majesty's forces both by land and sea, governor of the Cinque Ports, and divers others,) thereby to avoid the punishment of that law against papists. The reasons for the indictment.

"Secondly. 30th Car. II. when an act was made to disable papists from sitting in either house of parliament, there was a proviso inserted in that act, 'that it should not extend to the Duke of York,' on purpose to save his right of sitting in the lords' house; though he refuseth to take those oaths which protestant princes ought to do.

"Thirdly. That his majesty, in his speech on the 6th day of March, the thirty-first year of his reign, doth give for a reason to the parliament why he sent his brother out of England, because he would leave no man room to say that he had

A.D. 1680. not removed all cause which might influence him to popish counsels.

“ Fourthly. That there have been divers letters read in both houses of parliament, and at the secret committees of both houses, from several cardinals and others at Rome, and also from other popish bishops and agents of the pope in other foreign parts, which do apparently show the great correspondencies between the Duke of York and the pope ; and how the pope could not choose but weep for joy at the reading of some of the duke’s letters, and what great satisfaction it was to the pope to hear the duke was advanced to the catholic religion : that the pope has granted briefs to the duke, sent him beads, ample indulgencies, with much more to this purpose.

“ Fifthly. That the whole house of commons hath declared him to be a papist in their vote, Sunday, April the 27th, 1679 : It is resolved, *ne-mine contradicente*, that the Duke of York’s being a papist, and the hopes of his coming such to the crown, has given the greatest countenance and encouragement to the present conspiracy and designs of the papists against the king and the protestant religion. What this conspiracy and

design is, will appear by a declaration of both A.D. 1680.
 houses of parliament, March the 25th, 1679:
 Resolved, *nemine contradicente*, by the lords spiritual and temporal, and commons, in parliament assembled, That they do declare that they are fully satisfied, by the proofs they have heard, there now is, and for divers years last past hath been, a horrid and treasonable plot and conspiracy, contrived and carried on by those of the popish religion, for the murdering of his majesty's sacred person, and for the subverting the protestant religion, and the ancient, well-established government of this realm.

"Sixthly. That, besides all this proof, and much more to this purpose, it is most notorious and evident he hath for many years absented himself from protestant churches during religious worship. These are the reasons which induce us to believe the Duke of York a papist.

"Huntingdon,	Thomas Thynne,
"Shaftesbury,	William Forrester,
"Grey,	John Trenchard,
"Russell,	T. Wharton,
"Cavendish,	William Cooper,
"Brandon,	Gilbert Gerrard,
"Edward Hungerford,	Scroop Howe."
"Henry Calverly,	

A.D. 1680.

The grand jury dismissed.

Whilst the grand jury were considering this indictment,* they were sent for by the Court of King's Bench and dismissed, so that nothing farther was done in the affair. By the dismissal of the jury, a great number of indictments were discharged; an act of authority without parallel, and fraught with the most dangerous consequences not only to many private persons, but to the public.

The court greatly alarmed.

This step of Lord Shaftesbury's surprised the nation, and inspired the country party with new life: on the other hand, it alarmed the court to the greatest degree. The king sent the Duke of York back to Scotland, with assurances that he would never forsake him or his interest; and, to quiet the minds of the people, his majesty resolved to meet the parliament in the winter.

Meeting of parliament.

Accordingly, it actually met on the 21st of October; and the commons began with a resolution that they ought, in the first place, to proceed effectually in suppressing popery and preventing a popish successor.

On the second day, they came to the following

* Bishop Burnet takes no notice of this indictment nor of the house of commons upon it afterwards.
of the conduct of the judges,

resolutions, which justify what Lord Shaftesbury had done in promoting the petitions for the sitting of the parliament.

A.D. 1680.

Resolutions
of the house
of com-
mons.

“ Resolved,—That it is, and ever hath been, the undoubted right of the subjects of England to petition the king for the calling and sitting of parliaments, and redressing of grievances.

“ Resolved, — That to traduce such petitioning as a violation of duty, and to represent it to his majesty as tumultuous and seditious, is to betray the liberty of the subject, and contribute to the design of subverting the ancient legal constitution of this kingdom, and introducing arbitrary power.”

The house of commons soon after came to another resolution, in relation to the dismissing of the grand jury upon Lord Shaftesbury’s bill of indictment of the Duke of York.

“ Resolved, — That the discharging of the grand jury by any judge, before the end of the term, assizes, or sessions, while matters are under their consideration and not presented, is arbitrary, illegal, destructive to public justice, a manifest violation of his oath, and is a means to subvert the fundamental laws of the kingdom.”

A.D. 1680.

Exclusion
bill.Debate
upon it in
the house of
lords.

The house then went with great earnestness into the bill of exclusion, which passed there by a large majority, and was sent up to the house of lords, who threw it out upon the first reading. The king was in the house during the debate, which lasted till near midnight. The Earl of Shaftesbury was the principal speaker for the bill, as the Earl of Halifax¹²⁷ was against it. Bishop Burnet says, that the last "had a visible superiority to Lord Shaftesbury in the opinion of the whole house; and that was to him triumph enough."

Lord Shaftesbury's whole speech upon this occasion is not preserved, and therefore the bishop's assertion cannot be contradicted. However, as he afterwards says, that "the country party brought it nearer an equality than it was imagined they could do, considering the king's earnestness in it, and that the whole bench of bishops was against it," it may be presumed that Lord Shaftesbury did acquit himself with his usual eloquence, spirit, and judgment. This is the rather to be supposed, as the bill was indebted to him

¹²⁷ Halifax's conduct upon this occasion obtained for him the nick-name of "the Trimmer." He opposed the exclusion bill, but proposed an act of banishment against the Duke of York during the king's life.

for its existence. He foresaw that the bishops A.D. 1680 would be the principal opposers of the bill; and therefore, in his speech, after he had clearly shown the absurdity of the doctrine of hereditary right, the authority of the parliament to transfer the title to the crown, the repugnancy of the Romish religion to our constitution, and the violent temper and bigotry of the duke, he turned towards the bishops' bench, and, in a pathetic manner, implored them to have a regard to the civil rights of their fellow-subjects, and the church of which they were the fathers. He told them that they had it in their power to exclude a popish prince by law, and thereby preserve their religion and liberties; but that, if they should lose the present opportunity, they must afterwards either run into a rebellion to save themselves, or sit down with the melancholy portion of bondage, ignominy, and repentance.

Though Lord Shaftesbury's speech on the exclusion bill is not preserved, there is another, which he made a few days afterwards, that is well worthy of the reader's perusal. This he spoke in a debate upon his majesty's speech, when the king himself was present, as he had been in the debates upon the bill of exclusion; which renders

A.D. 1680. the boldness of it the more remarkable. It was spoken in a committee, by way of reply.

“ My Lords,

Speech of
Lord Shaf-
tesbury in a
debate on
the king's
speech.

“ In this great debate concerning the king's speech, the sad state and condition we are in, and the remedies thereof, I have offered you my opinion; and many lords have spoken admirably well to it, with great freedom and plainness, as the case requires.

“ Give me leave to offer you some few words, in answer to two or three of my lords of the earls' bench, that have maintained the contrary opinion.

“ My lord near me hath told your lordships that the precedent of Henry the Fourth that I offered you,—who was a wise and magnanimous prince, and yet, upon the address of his parliament, ‘ put away a great part of his family and council at one time,’—is no proper instance; because he was an usurper, had an ill title, and was bound to please the people.

“ My lords, I meddle not with his title. I am sure our king has a very undoubted one: but this my lord must allow, that that wise prince, having need of his people, knew no better way to please them, and to create a good intelligence be-

tween them and him, than to put away those A.D. 1680. from court and council that were unacceptable to them.

“ If our king had the same necessity to please the people,—though for other reasons than want of a title,—yet I am sure the precedent holds that a wise prince, when he hath need of his people, will rather part with his family and counsellors than displease them.

“ My lords, this noble lord near me hath found fault with that precedent which he supposes I offered to your lordships concerning the chargeable ladies at court; but I remember no such thing I said. But if I must speak of them, I shall say, as the prophet did to King Saul, ‘ What meaneth this bleating of the cattle?’ and I hope the king will make me the same answer, ‘ that he reserves them for sacrifice, and means to deliver them up to please his people:’ for there must be, in plain English, my lords, a change. We must neither have popish wife, nor popish favourite, nor popish mistress, nor popish counsellor at court, nor any new convert. What I spoke was about another lady that belongs not to the court, but like Sempronia in Catiline’s conspiracy, does more mischief than Cethegus.

A.D. 1680. “ In this time of distress, I could humbly advise our prince would take the same course that the Duke of Savoy did, to suffer neither strangers nor ambassadors to stay above a few weeks in his country ; for all the strangers and ambassadors have served the plot and design against us. I am sure they have no tie to be for us.

“ But, my lords, what I rose up to speak was more especially to my lord on the earls’ bench that spoke last, and sits behind me ; who, as he hath the greatest influence in our present counsels, so he hath let fall to you the very root of the matter, and the hinges upon which all turns. He tells you that the house of commons have lately made offers to the king, and he wonders we do not expect the king’s answer to them before we enter into so hot and high debates.

“ He tells you, if the king be assured of supplies, we cannot doubt of his compliance in this and all we can ask ; for otherwise the king must fall into that which is the worst condition of a prince, to have his people have no confidence in him. My lords, this is what I know they put the king upon ; and this is what we must be ruined by, if we may not with freedom and plainness open our case.

“ My lords, it is a very hard thing to say we A.D. 1680. cannot trust the king, and that we have already been deceived so often, that we see plainly the apprehension of discontent is no argument at court: and though our prince be himself an excellent person that the people have the greatest inclinations to love, yet, we must say, he is such an one as no story affords us a parallel of. How plain and how many are the proofs of the design to murder him? How little is he apprehensive of it?

“ The transactions between him and his brother are admirable and incomprehensible; his brother’s designs being early known to aim at the crown, before his majesty’s restoration to this kingdom.¹²⁸

“ The match with a Portugal lady not likely to have children, contrived by the duke’s father-in-law, and no sooner effected but the duke and his party make proclamation to the world that

¹²⁸ It is well known that there existed, at that time, a design to bring in James instead of Charles. The Roman Catholics laboured very hard to effect this object, and Charles had so little confidence in the integrity of his brother that he refused to countenance a projected insurrection which it was proposed that James should head.—*Clarendon Papers*. See also *Somers’ Tracts*, viii. 342. Buckingham was supposed to be deeply implicated in this intrigue.

A.D. 1680. we are like to have no children, and that he must be the certain heir.

“ He takes his seat in parliament as Prince of Wales, has his guards about him, the Prince’s lodgings at Whitehall, his guards upon the same floor, without any interposition between him and the king; so that the king was in his hands and in his power every night: all offices and preferments being bestowed by him; not a bishop made without him.

“ This prince changes his religion to make himself a party; and such a party that his brother must be sure to die, or be made away with, to make room for him. Nothing could preserve his majesty but that which I hope he will never do,— give greater earnest to that wicked party than his brother could: and after all, this plot breaks out plainly, headed by the duke, his interest, and his design.

“ How the king hath behaved himself ever since the breaking out of it, the world knows. We have expected, every hour, that the court should join with the duke against us; and it is evident more hath been done to make the plot a presbyterian plot, than to discover it.

“ The prorogations, the dissolutions, the cutting

short of parliaments, not suffering them to have A.D. 1680. time to look into anything, have showed what reason we have to have confidence in the court. We are now come to a parliament again ; by what fate or riddle I cannot guess, neither do I understand the riddle of it.

“The duke is quitted, and sent away : the house of commons have brought up a bill to disable him of the crown ; and I think they are so far extremely in the right ; but your lordships are wiser than I, and have rejected it. Yet you have thought fit, and the king himself hath made the proposition, to make such expedients as shall render him but a nominal prince.

“In the mean time, where is this duke that the king and both houses have declared unanimously thus dangerous ? Why, he is in Scotland, raising forces upon the terra firma that can enter dry foot upon us, without hazard of winds or seas ; the very place he should be in to raise a party there, to be ready when from hence he shall have notice ; so that, this being the case, where is the trust ? We all think the business is so ripe, that they have the garrisons, the arms, the ammunition, the seas, and soldiery, all in their hands. They want but one good sum of money to set

A.D. 1680. up and crown the work, and then they shall have no more need of the people; and I believe whether these are pleased or no, will be no great trouble to them.

“My lords, I hear of a bargain made in the house of commons, and an address made to the king. But this I know, and must boldly say and plainly, that the nation is betrayed if, upon any terms, we part with our money till we are sure the king is ours. Have what laws you will and what conditions, they will be of no use but waste paper before Easter, if the court has money to set up for popery and arbitrary designs in the mean while.

“On the other hand, give me leave to tell you, my lords, the king has no reason to distrust his people. No man can go home and say, that, if the king complies with his people, they will do nothing for him. We want a government, and we want a prince that we may trust even with the spending half our annual revenues for some time, for the preservation of these nations.

“The growing greatness of the French cannot be stopped with a little expense, nor without a real and hearty union of the king and his people. It was never known in England that our princes

wanted supplies either for their foreign designs, A.D. 1680. or for their pleasures; nothing ever shut the English purses but the fear of having their money used against them.

“The hour that the king shall satisfy his people that what we give is not to make us slaves and papists, he may have what he will; and this your lordships know, and all mankind that know us. Therefore let me plainly tell your lordships, the arguments which the present ministers use are to destroy the king, and not preserve him: For if the king will first see what we will do for him, it is impossible, if we are in our senses, we should do anything: but if he will first show that he is entirely ours; that he weds the interest and religion of the nation; it is impossible—it is impossible he should want anything that we can give.

“But I see how the argument will be used: Sir, they will do nothing for you, what should you do with these men? But, on the other hand, I am bold to say, Sir, you may have anything of this parliament. Put away those men, change your principles, change your court, and be yourself; for the king himself may have anything of us.

“My lords, if I have been too plain, I beg your

A.D. 1680: pardon. I thought it was the duty of an English nobleman, at this time, to speak plain, or never.

“I am sure I mean well: and if any man can answer and oppose reason to what I say, I beg they will do it; for I do not desire or propose any question merely for talking sake.

“I beg this debate may last some days, and that we may go to the very bottom of the matter, and see whether these things are so or no, and what cure there is for the evil we are in; and then the result of our debates may produce some proper question.

“However, we know who hears us; and I am glad of this, that your lordships have dealt so honourably and so clearly in the king’s presence that he cannot say he wants a right state of things. He hath it before him, and may take counsel as he thinks fit.”

The boldness of this speech, in the king’s presence, struck every person with surprise. As it was spoken upon a reply, without premeditation, it was not, perhaps, taken down so correctly as his lordship delivered it. However, it was soon printed, and above three hundred thousand copies of it were sold.¹²⁹

¹²⁹ It is scarcely credible that this speech was delivered as it

As it has been always agreed, that this and the last house of commons were chiefly influenced by the Earl of Shaftesbury, it must be allowed that there appeared a noble spirit in them for the liberties of the people. Besides the exclusion bill, which the commons had passed, they prosecuted several of the judges for illegal practices and judgments, and particularly for discharging the grand jury when Lord Shaftesbury presented the bill of indictment against the Duke of York. They ordered a bill* to be brought in for the more effectual securing of the meetings and sittings of frequent parliaments; a second,* that the judges should hold their places and salaries *quam diu se bene gesserint*; a third, for an association of all his majesty's protestant subjects for the safety of his person, the defence of the protestant religion, and the preservation of his majesty's protestant

A.D. 1680.

Noble spirit
in the house
of commons.

* The rough drafts of both these bills are among Lord Shaftesbury's papers.

was reported. Shaftesbury sent his speeches to the press himself, and, doubtless, then introduced those passages which were so highly effective in rousing the people, but were too personally offensive to be spoken in the presence of the sovereign. Shaftesbury had already felt the inconvenience that might be produced by a far less flagrant indiscretion.

A.D. 1680. subjects against all invasions and oppositions, and for preventing the Duke of York or any other papist from succeeding to the crown; and a fourth, against illegal exaction of money upon the people, and to make it high treason. They passed likewise a vote, "that no member of the house should accept of any office or place of profit from the crown, without leave of the house; nor any promise of any such office or place of profit during such time as he should continue a member of the house."

Bill for
uniting his
majesty's
protestant
subjects.

Father Orleans imputes to Lord Shaftesbury, as a reproach, what must appear to every unprejudiced mind to be a laudable and noble design, his endeavouring to promote a strict union among the protestants. Accordingly, a bill was brought in, and committed, for uniting his majesty's protestant subjects. " * The act of 35 Eliz. for payment of twenty pounds a month for every person not resorting to their parish church, was apparently made against the popish recusants, but had been lately executed upon the protestant dissenters. Upon which the commons resolved, ' That it is the opinion of this house, that the prosecution of protestant dissenters upon

* Kennet, vol. iii. p. 383.

the penal laws designed against the papists, is at this time grievous to the subject, a weakening the protestant interest, an encouragement to popery, and dangerous to the peace of the kingdom;’ and therefore they prepared another bill, ‘for exempting his majesty’s protestant subjects dissenting from the church of England from the penalties imposed upon the papists, by repealing the said act of the 35th of Eliz.’ This bill passed the commons, and was agreed to by the lords, and lay for his majesty’s assent; but when his majesty came to the throne to pass this among other bills, this was taken from the lords’ table, and never heard of after: which no man durst have done without the king’s command, or at least his privity or connivance at it.”

A.D. 1680.

A. D.
1680-1.The bill
stolen from
the lords’
table.

Some few of the most moderate of the clergy endeavoured, in their writings, to promote this union: and Dr. Compton, bishop of London, collected the judgments of several foreign protestant divines upon the unlawfulness of separation. “All this,” says Father Orleans, “was an artifice of the Earl of Shaftesbury, that all protestants might find it their interest to destroy the catholics; and so the Duke of York’s exclusion from the crown might be brought about.

Father Orleans’s reflections on the Earl of Shaftesbury.

A. D.
1680-1.

He projected an union among all the nonconformist sectaries and the church of England ; and, to bring it about, he put the house of commons upon pressing the king to repeal all the laws made by Queen Elizabeth against them. His majesty perceived what they tended to, and, making a true judgment upon the occasion of that demand, first prorogued, and afterwards dissolved, the parliament."

Answer to
them.

It was undoubtedly the interest of the papists to keep up a division among the protestants. This maxim had been laid down by them in the beginning of the king's reign, and the court had promoted several measures for the same purpose ; such as the uniformity, the corporation, and the five-mile acts. The division was begun with ardour, and continued to be promoted by every artifice and intrigue. The design of uniting the protestants at this time was, therefore, a most important one ; and the method of doing it was prudent and well grounded. The first preparatory step to it was the bill to repeal the act of the 35th of Eliz. As the court saw the consequence of this step, and the king could not with decency refuse his assent to the bill, recourse was had to the contemptible and shameful artifice of stealing it away.

In the mean while, several designs were formed for causing it to be believed that the popish plot was an invention of the Earls of Essex and Shaftesbury, Lord Wharton, and others of the peers. Simpson Tonge, in particular, son of Dr. Tonge who had made the first discovery of the plot, delivered, on the 8th of August 1680, a memorial to the king, setting forth that the popish plot was a contrivance of his father and Dr. Oates, assisted by Lord Wharton, Lord Essex, and Lord Shaftesbury. He alleged that the two former especially were very intimate with his father; that my Lord of Essex was exceedingly zealous in the Irish plot, sent several letters from London concerning it, and was one whom his father frequently corresponded with, and who had been encouraged by him vigorously to defend the contrivance. The Earl of Essex, and the rest of the peers, were extremely earnest for Simpson Tonge's being strictly and solemnly examined; and accordingly he was brought before the council, where his memorial was read. At his examination, he behaved with great confidence; said that the popish plot was all a contrivance, and principally fixed it on the Earl of Shaftesbury: upon which one of the Lords of

A. D.
1680-1.

Simpson
Tonge's
accusation
of Lord
Shaftesbury
and some
other peers.

A. D.
1680-1.

council asked him whether Coleman's letters were Lord Shaftesbury's contrivance also? This silenced and confounded him; and, as he had no proofs to support what he had alleged, the council ordered him to be committed to prison, where he soon after died.

CHAPTER VIII.

The Oxford Parliament summoned.—Petition.—Progress of the Elections.—Meeting of the Parliament at Oxford.—Its Dissolution.—Letter from Mr. Locke to Mr. Stringer.—Impeachment of Fitzharris.—Absolute designs of Charles.—Lord Shaftesbury is seized and again committed to the Tower.

THE king, alarmed at the spirit of the house of commons, had recourse to his old method of prorogation. On the 10th of January, he prorogued the parliament to the 20th; and, two days before the meeting, dissolved it by proclamation. At the same time, another was summoned to meet at Oxford on the 21st of March.

A. D.
1680-1.

Parliament
prorogued
and dis-
solved.

New one
summoned
to meet at
Oxford.

This dissolution of the parliament gave great offence to the nation, as did the summoning the new one to meet at Oxford. The inconveniences apprehended from its meeting at that place are very strongly set forth in the following petition, which was drawn up by Lord Shaftesbury, signed by him and fifteen other peers, and presented to his majesty by the Earl of Essex.

A. D.
1680-1.

“ To the King’s most excellent Majesty.

“ The humble petition and advice of the Lords
undernamed, Peers of the realm,

“ Humbly sheweth,

Petition
against its
meeting
there.

“ That whereas your majesty has been pleased,
by divers speeches and messages to your houses
of parliament, rightly to represent to them the
dangers that threatened your majesty’s person,
and the whole kingdom, from the mischievous
and wicked plots of the papists, and the sudden
growth of a power unto which no stop or remedy
could be provided, unless it were by parliament
and an union of your majesty’s protestant subjects
in one mind and one interest :

“ And the lord chancellor, in pursuance of your
majesty’s commands, having more at large demon-
strated the said dangers to be as great as we, in
the midst of our fears, could imagine them ; and
so pressing, that our liberties, religion, lives, and
the whole kingdom, would be certainly lost if a
speedy provision were not made against them :

“ And your majesty, on the 21st of April 1679,
having called unto your council many honour-
able and worthy persons, and declared to them
and the whole kingdom that, being sensible of the

A. D.
1680-1.

evil effects of a single ministry, or private audience, or foreign committee, for the general direction of your affairs, your majesty would for the future refer all things unto that council, and by the constant advice of them, together with the frequent use of your great council the parliament, your majesty had hereafter resolved to govern the kingdom ; we began to hope we should see an end of our miseries.

“ But, to our unspeakable grief and sorrow, we soon found our expectations frustrated. The parliament then subsisting was prorogued and dissolved before it could perfect what was intended for our relief and security ; and, though another was thereupon called, yet, by the many prorogations, it was put off till the 21st of October past ; and, notwithstanding your majesty was then again pleased to acknowledge that neither your majesty’s person nor the kingdom could be safe till the matter of the plot was gone through, it was unexpectedly prorogued on the 10th of this month, before any sufficient order could be taken therein : all their just and pious endeavours to save the nation were overthrown ; the good bills they had been industriously preparing, to unite all your majesty’s protestant subjects, brought to

A. D.
1680-1.

nought; the discovery of the Irish plot stifled; the witnesses that came in frequently more fully to declare that, both of England and Ireland, discouraged; those foreign kingdoms and states who, by a happy conjunction with us, might give a check to the French power, disheartened even to such a despair of their own security against the growing greatness of that monarch as we fear may induce them to take new resolutions, and, perhaps, such as may be fatal to us; the strength and courage of our enemies, both at home and abroad, increased; and ourselves left in the utmost danger of seeing our country brought into utter desolation.

“ In these extremities we had nothing, under God, to comfort us but the hopes that your majesty (being touched with the groans of your perishing people) would have suffered your parliament to meet at the day unto which it was prorogued, and that no further interruption should have been given to their proceedings in order to the saving of the nation; yet that failed us too. But when we heard that your majesty, by the private suggestion of some wicked persons, favourers of popery, promoters of French designs, and enemies to your majesty and the kingdom,

A. D.
1680-1.

(without the advice, and, as we have good reason to believe, against the opinion even of your privy council,) had been prevailed with to dissolve it, and to call another to meet at Oxford, where neither lords nor commons can be in safety, but will be daily exposed to the sword of the papists and their adherents, of whom too many are crept into your majesty's guards; the liberty of speaking according to their consciences will be thereby destroyed; and the validity of all their acts and proceedings consisting in it left disputable. The straitness of the place no way admits of such a concourse of persons as now follow every parliament. The witnesses that are necessary to give evidence against the popish lords, such judges or others whom the commons have impeached or had resolved to impeach, can neither bear the charge of going thither, nor trust themselves under the protection of a parliament that is itself evidently under the power of guards and soldiers.

“ The premises considered, we your majesty's petitioners, out of a just abhorrence of such a dangerous and pernicious counsel, (which the authors have not dared to avow,) and the direful apprehensions of the calamities and miseries that may ensue thereupon, do make it our most humble prayer and advice, that the parliament

A. D.
1680-1.

may not sit at a place where it cannot be able to act with that freedom which is necessary, and especially to give unto their acts and proceedings that authority which they ought to have amongst the people, and have ever had, unless impaired by some awe upon them (of which there want not precedents); and that your majesty would be graciously pleased to order it to sit at Westminster, it being the usual place, and where they may consult and act with safety and freedom. And your petitioners shall ever pray.

" Monmouth,	Shaftesbury,
" Kent,	Mordaunt,
" Huntingdon,	Evers,
" Bedford,	Paget,
" Salisbury,	Grey,
" Clare,	Herbert,
" Stamford,	Howard,
" Essex,	Delamere."

The petition
ill received
at court.

It may easily be supposed that this petition, which so boldly set forth the misconduct of his majesty and his ministers, was very ill received at court. Rapin says, " that the king returned no answer, but contented himself with frowning upon the lords who presented it." However, it met with great approbation from the public : the

Applauded
by the pub-
lic.

city of London ordered their sheriffs to return their thanks to the noble peers who presented it; and the example of the metropolis was followed by many other places.

A. D.
1680-1.

In the mean time, the Earl of Shaftesbury was as active as ever in securing the elections for members of parliament; and the counties and corporations throughout England were generally so well satisfied with the proceedings of the last house of commons, that they resolved to choose the same persons again without putting them to any expense. By this means a laudable effort was made to repress that pernicious custom of bribery and debauchery, which had not only scandalized the nation, but poisoned and almost destroyed the very constitution of our parliaments.

Elections.

The city of London and most of the counties and corporations returned their thanks to the members who had been rechosen, for their former conduct, and desired them to pursue the same measures in the present parliament. They were particularly requested to secure the meeting and sitting of frequent parliaments; to promote the long wished for union among all his majesty's protestant subjects; to repeal the act of the 35th of Eliz. and the corporation act; and to persist in

Thanks
given to the
members of
parliament.

A.D.
1680-1.

the exclusion of the Duke of York from the throne.

The following instructions, drawn up by Lord Shaftesbury, are among his papers; but the county for which they were intended is not named.

“GENTLEMEN,

Instructions drawn
up by Lord
Shaftes-
bury.

“WE have chosen you two, our knights, to represent this county at the parliament to be holden at Oxford the 21st of March next; and we do give you sufficient power to act on our behalf in all things that shall be found, by joint advice with the members of parliament chosen for other places, to be for our public good and welfare; which we must leave to your integrities and prudence. Only there are some particulars so manifestly and indisputably necessary, that we cannot omit to give you our instructions and directions beforehand in them.

“First. We all expect that you should, to the last, insist for a bill to exclude the Duke of York by name, and all other popish successors, from coming to the imperial crown of this realm.

“Secondly. That you insist upon an adjustment to be made betwixt the king’s prerogative of calling, proroguing, and dissolving parlia-

ments, and the rights of the people to have annual parliaments to despatch and provide for those important affairs and business that can nowhere else be taken care of; for, without the certainty of parliaments meeting in due distance of time from each other, and their sitting so long as shall be necessary for the despatch of the affairs of the nation, it is not possible but that our laws, liberties, lives, and estates should become in a short time at the will of the prince.

A. D.
1680-1.

“Thirdly. We expect you should restore us to that liberty we and our forefathers have enjoyed, until these last forty years, of being free from guards and mercenary soldiers; it being the inseparable right of a free nation that they themselves, and no separate number of paid or hired men, should have the guard of their own prince, government, and laws.

“Lastly. Although we mention these three particulars as most necessary to us, yet there are several others of great importance which we leave to your wisdoms; assuring ourselves that, until you have fully provided for a complete security against popery and arbitrary power, you will not give any of our money.”

The apprehensions which prevailed at that

A. D.
1680-1.

The mem-
bers go
armed to
the parlia-
ment.

time, of a design to overawe the parliament, made many of the lords and the house of commons resolve to go thither well attended. The Earl of Shaftesbury was one of the number, and a great retinue was formed for them by those who went voluntarily, from a principle of affection to their persons and the cause in which they were engaged. The city, in particular, sent a numerous body, well armed, for the security of its members.

Meeting of
the parlia-
ment at Ox-
ford.

The parliament was opened on the 21st of March, and, on the same day, Lord Shaftesbury brought in another bill to repeal the statute of the 35th of Eliz. On the next day, he made complaint of the former bill having been secreted, and moved that the house might be put into a committee to examine the business of the clerk's not presenting it at the last prorogation. The house accordingly went into a committee on the 23rd of March, and, to pursue the matter the more closely, the commons, on the 24th, went upon the same examination. It was likewise proposed, at a conference, that a committee of both houses should be appointed to inquire into the affair; and the proposal was ordered to be considered on the 29th of the same month: but,

the day before, on the 28th, the parliament was dissolved.¹³⁰ This showed that the court could not stand the test of an inquiry which was carried on with so much vigour, and in which the stealing away of the bill was justly represented as undermining the constitution of parliaments.

A.D. 1681.

It is dissolved.

The following letter of Mr. Locke gives a more particular account of the withdrawing of this bill, and the steps which were taken upon it, than has yet been published.

TO MR. STRINGER AT BEXWELL, NEAR CHELMSFORD
IN ESSEX.

"SIR,

Oxford, 26th March 1681.

"I THANK you for your letter, and for your good wishes therein. I hope our good patriots are not in so great danger in this place as you fear: however it is, I do not find here any great apprehensions of it: there is, indeed, a general

A letter from Mr. Locke to Mr. Stringer.

¹³⁰ In that very able tract, the joint production of Algernon Sydney, Lord Somers, and Sir William Jones, called, "A Just and Modest Vindication of the two last Parliaments," published in answer to Charles's declaration against their proceedings, it is said, "The peers at Oxford were so totally ignorant of the counsel, that they never once thought of a dissolution until they heard it pronounced; but the Duchess of Mazarine had better intelligence, and published the news at St. James's many hours before it was done."

A.D. 1681. despair that nothing will be done for the protestant settlement and security.

“On Monday the 21st, the king spoke to the two houses. His speech, I hear, was cried about London streets before it was printed here. I need not make any observations on it, nor tell you how it was resented. The lord chancellor said nothing but that the king commanded the commons to go and choose their speaker, and present him the next day at three in the afternoon. In the choice of Mr. Williams, at this time, there was this unusual, that, whereas one used to rise up and recommend, a great number with one voice called Mr. Williams to the chair, so that they could not tell who spoke first; but some say Mr. Montague was the first that stood up, and he and Sir Jo. Hotham conducted him to the chair. After the king's speech, the lords read the bill for repealing the 35th of Q. Elizabeth, and ordered it to be read the second time the next day.

“On Tuesday the 22nd, my Lord Shaftesbury moved that it might be examined, in a committee of the whole house, by whose default it was that the first bill of repeal of the 35th of Q. Eliza-

beth was not presented to the king upon the A.D. 1681. prorogation of the last parliament; which was accordingly ordered. Then they read the said bill a second time, and it was moved that it might be read a third time the next day; but my Lord Halifax desired it might be committed; not that he was against the bill or the expediting the passing of it, but that it might pass with the more formality. My lord chancellor was for the passing of the bill; the bishops were against it. My lord chancellor said it was always thought a hard law, and was never put in execution that he heard of but once: that it was judged by most lawyers to be expired, till the act of uniformity. By that act it was declared to be in force; and if we should hereafter be so unhappy as to have a king that should favour popery, it would be a dangerous tool in his hands against the protestants. With saying much more to that purpose, he wished them to expedite the passing of it. The Bishop of London replied upon him with much vehemence and some reflection; speaking long, but his speech was one of those that cannot be remembered. All that I could learn of it was, that the act of the 35th of Q. Eliz. was

A.D. 1681. the only means the church had now left to free herself of schism. A lord * (a friend of yours) replied, he thought that this bill had been lost by a court trick, to bring in a new way of a negative; but now he saw it was partly ecclesiastical, since they had rather leave such a weapon to fall into popish hands, than the church should lose it. The Lord Halifax said, he could easily guess what that lord would say; and that the bishops (for divers had spoken against the bill of repeal, as Ely, Salisbury, Durham, &c.) had given him great advantage by this opposition; and he could not but wonder at it, and feared the whole nation would suspect them. The issue was, the bill was committed to a private committee. At three in the afternoon the speaker presented himself to the king. There was nothing remarkable but that passage in the speaker's speech wherein he told the K. he might see the house of commons were not given to change, by their choosing him again for their speaker.

“On Wednesday the 23rd, the lords, in a grand committee, examined the clerk of the crown why he did not present the first bill of repeal to the

* Lord Shaftesbury.

king: his answer was, that the clerk of the parliament had always the custody of the bills, and that he presented all that the clerk of the parliament delivered to him; which was accepted as a sufficient answer. Then the clerk of the parliament was examined, who gave this account: that, understanding the king came in his robes, he brought the bills: as he was bringing them, he met my Lord Falconbridge, who asked him how many bills he had; he told him four: he said he heard the king would pass but three of them; whereupon he went up to my lord chancellor, and told him what my Lord Falconbridge said. My lord answered him, he did not know what the king would do, but he would ask him. The king bid him bring in the bills to the Prince's Lodgings to him: then the king took a certain lord aside, and talked with him in a corner of the room; after which he came to the clerk of the parliament, and told him he would not pass the bill of repeal. Then the clerk asked the king, if he should write upon the bill of repeal the words the king uses, and which, it seems, are writ upon it when the king refuses a bill: the king said, no, but that he should leave it there, and not bring it into the house to be offered. Many good

A.D. 1681.

A.D. 1681. debates were upon this subject, but they are too long to rehearse. The further consideration of it is adjourned to Tuesday next. All this day was spent by the house of commons in swearing their members.

“Thursday the 24th, the Lord Norris brought in my Lord of Danby’s petition, which was very short, not praying to be brought to a speedy trial, but setting forth his long imprisonment, and great infirmities thereby contracted, praying to be bailed. My Lord Aylesbury seconded it; my Lord Berkley, Arundel of Tre-rice, Clarendon, and others, pressed it; and if it had been put to the question, they would have carried it abundantly: but my Lord Halifax’s opposing it as a thing very unseasonable, that would breed heats and hinder the public business, put off the question, and the further debate of it, till Monday next. The rest that opposed it you will easily guess.

“Some part of this day the house of commons spent in swearing the rest of their members, settled committees, and received petitions about elections, and ordered four elections to be tried at the bar: that of Bristol being one, is to be heard on Monday se’nnight. Then they ordered to take into consideration the not tendering the

bill of repeal to the king the last parliament; A.D. 1681.
 on Friday and on Saturday, to take into consideration the preservation of the king's person and the protestant religion; upon which subject there were some warm debates, the exclusion of the duke being mentioned as the only expedient. The printing of the votes was likewise ordered, which Mr. Secretary Jenkins opposed with all his might, saying it was an appeal to the people; but he was soundly mumbled for his pains, and the vote carried with a torrent.

“ My time and my paper are almost at an end; and I must let alone yesterday's business, which was a great day in the house of commons.

“ The lord that the clerk of the parliament said went aside with the king in the Prince's Lodgings, it is whispered was my Lord Halifax; but the lords would not permit that Mr. Brown should be pressed to tell his name to the committee. We are told my Lord Halifax and Mr. Hyde are now the intimate and only counsellors.

“ I am, sir, your most humble servant,

“ J. LOCKE.”

The determination of the parliament to find out the means by which the bill of repeal was

Reasons of
the parlia-
ment's dis-
solution.

A.D. 1681. lost, seems to have been the principal reason for its speedy dissolution. There were, however, other reasons that co-operated with it; for the commons had gone with their former zeal upon the bill of exclusion, and had impeached one Edward Fitzharris for a treasonable libel written by him, of which a pretty full account is given by Rapin, Kennet, and several authors.

As Fitzharris's conduct was intended to ridicule the belief of the popish plot, to cast an odium on the country party, and to bring a false accusation against the protesting lords, of whom the Earl of Shaftesbury was always one, it may not be improper to insert some account of it in this place, from the historians just mentioned.

Rapin's account of Fitzharris's design.

“ One Fitzharris,* an Irish papist, who had free access to the Duchess of Portsmouth, and kept a correspondence with her favourite woman, Mrs. Wall, and with the confessor of the French ambassador, having received several presents, and particularly one of two hundred and fifty guineas, undertook to prevail with one Edmund Everard, to write a libel against the king. Everard feigned to consent, and appointed a meeting to receive informations by which his pamphlet was to be

* Rapin.

framed. But, at the same time, he communicated A.D. 1681. the affair to Sir William Waller and Mr. Smith, and caused them to be concealed in a place where they might hear what passed between Fitzharris and him. The next day, being both together in a room, Fitzharris told Everard that he should write a libel against the king upon the following heads :

“ That the king and royal family were papists, and arbitrarily affected from the beginning :

“ That Charles the First had a hand in the Irish rebellion, and that Charles the Second did countenance the same by preferring Fitzgerald, Fitzpatrick, and Mountgarret, who were engaged in the said rebellion :

“ That the act forbidding to call the king a papist, was to stop men’s mouths when he should incline to further popery ; which appeared by his adhering so closely to the Duke of York’s interest, and hindering him being proceeded against by the parliament, and hindering the officers put in by the duke to be turned out ; and for that the privy counsellors and justices of the peace, who were for the protestant interest, were turned out of all places of trust :

“ That it was as much in the power of the

A.D. 1681. people to depose a popish possessor as a popish successor; and seeing there was no hope that the parliament, when they met at Oxford, could do any good, the people were bound to provide for themselves.

“ Everard afterwards received these instructions in writing and drew up his libel, which was injurious to the king and full of sedition.

“ This libel was to be dispersed by the penny post to the protesting lords; and particularly to the leading presbyterians, whose houses were to be searched in order to find this libel, which was to serve as a proof of a conspiracy formed by the presbyterians against the government.

“ This is what Everard affirmed, and that the whole came from the court. At last, Waller having informed the king of the affair, the king ordered Secretary Jenkins to issue out a warrant for apprehending Fitzharris, and that Waller should execute it. Yet he was no sooner gone but Sir William declared he was informed by two worthy gentlemen ‘ that the king was highly offended with him, saying, he had broken all his measures.’ However, Waller arrested Fitzharris, and sent him to Newgate.”

Kennet's.

Kennet says, “ That this libel was to be fixed

upon the protestant dissenters, and to be dispersed by the penny post to the protesting lords and leading men in the house of commons, who were immediately thereupon to be taken up and searched. Everard affirmed the court had a hand in it, and that the king had given Fitzharris money, and would give him more if it had success. And this is so much the more to be credited, since the king himself told Sheriff Cornish that Fitzharris had, three months before his apprehension, been with him, and acquainted him he was in pursuit of a plot which very much related to his majesty's person and the government, &c.

“Fitzharris, being examined by Sir Robert Clayton and Sheriff Cornish, discovered a disposition, and at length a willingness, to discover the whole design the next day after. But to prevent it, in all appearance, he was that day removed into the Tower. The commons thought that all this looked so much like a trick and a continuation of the popish plot, that they resolved to impeach Fitzharris of high treason.”

When the impeachment was carried up to the lords, the court, to prevent a detection of the matter, ordered the attorney-general to acquaint

Fitzharris
impeached
by the
commons.

A.D. 1681. them with the examination taken against Edward Fitzharris, and to tell them he had an order from the king to prosecute the said Fitzharris at law, and that he had accordingly prepared an indictment against him. Upon this, by the influence of the ministry, the peers threw out the impeachment.

The impeachment
thrown out
by the lords.

The debate upon the affair was very long in the house of lords. Lord Shaftesbury, with his usual spirit, spoke for the impeachment; and when the question was carried against it, he drew up a protest, which was signed by himself and eighteen other peers.

Fitzharris
executed.

“Fitzharris was executed on the 1st of July.* He had been prevailed, by Dr. Hawkins, (minister of the Tower, and soon after Dean of Chichester) to sign a paper, in which he accused Sir Robert Clayton, Sir George Treby, and the sheriffs, of subornation of perjury. His wife was not then admitted to him; but he wrote several letters to her, one the very morning on which he suffered, informing her how he was practised on with hopes of life if he would accuse the Earl of Shaftesbury of the libel. He declared that he was innocent, and that what he had deposed against

* State Trials, vol. iii. p. 289.

the papists was true. He charged her by no means to be prevailed on to swear falsely against any. These letters had such a tendency to destroy the credit of Hawkins's paper, that the court got her to deliver them upon the promise of a pension." A.D. 1681.

When the king had dissolved the parliament at Oxford, he resolved for the future to govern without one; and, indeed, from this time he became quite absolute. "What was still more remarkable," says Rapin, "he grew as sanguinary as he had hitherto appeared merciful; and, as soon as he had power in his hands, he made his enemies feel the most terrible effects of his vengeance."

The king
resolves to
govern with-
out parlia-
ments.

[If we believe Lord Grey, this dissolution was not unaccompanied with great although unknown danger to Charles.

Shaftesbury, when he drew the exclusion bill, staked his life upon its success, and of this he was well aware. He knew the character of James too well to expect from him any forgiveness of provocations so deep, or any scruples as to the means of compassing his revenge. As the success of his measure became more problematical, Shaftesbury therefore became more desperate in his designs. He had long since entertained the project of placing

A.D. 1681. the Duke of Monmouth upon the throne; and it was not unreasonable to imagine that, in supporting the favourite son of the reigning monarch and the idol of the people against a rival who was dreaded as a tyrant and hated as a papist, he might count upon success. Monmouth had been educated at Oxford under a tutor named Ross. This man, finding in his pupil those sparkling qualities which command popularity, resolved to attach himself to his fortunes. Young, handsome, brave, and generous, ever courting the people and always hailed by them with acclamations, Monmouth wanted but the shadow of a claim to legitimacy. This his tutor resolved to supply. He tried to gain over Cosin, Bishop of Durham, to affirm that he had solemnized a private marriage between Lucy Walters, the mother of the duke, and the king; and to deposit a certificate of such marriage in a box in his own house. The bishop revealed the circumstance to the king; but, dying soon after, Ross declared that he had left behind him such a certificate, and that it still existed in the possession of Sir G. Gerrard, who kept it in a certain black box.

Shaftesbury readily turned this contrivance to his own purpose; the statement was confidently made and implicitly believed: but the king dis-

covered an affection for his brother which had not A.D. 1681.
been anticipated ; he said that, much as he loved James (his son), he would rather see him hanged than named as his successor ; and he took immediate measures to stop the progress of the rumour about the “ black box,” by positively and publicly declaring Monmouth’s illegitimacy.

The ardent young man was not however readily brought to resign the prospect of a crown. Shaftesbury was always ready to excite his ambition and to sustain his hopes ; he took care that the story of the private marriage should not die away ; and the people were occasionally excited by some fresh evidence either ready to be brought forward or lately industriously suppressed. During the king’s sickness at Windsor, the duke had slept every night in the city at the house of a Mr. Bateman, a surgeon and a confidant of Shaftesbury, where arms were always ready. Every preparation was made, and Shaftesbury declared he had several thousand “ brisk boys ” ready to rise immediately he gave the word. The king’s recovery frustrated this design ; but the proceedings of the lords at the Oxford parliament gave occasion for another.

Shaftesbury was delighted at the variance which the impeachments against Lord Danby and Fitzharris had created between the houses ;

A.D. 1681. he at least anticipated a dissolution, and proposed to his party the decisive step of continuing to sit in defiance of the king. Charles was however more prompt than they anticipated, and the dissolution came before their plot could be matured. It was not through any irresolution in Lord Shaftesbury that the project failed. Even now, unfavourable as was the moment, he gathered his supporters in the upper house, and kept them there under the pretence of signing a protest. For nearly an hour after the dissolution, messengers were continually despatched to the commons to tell them that the lords remained, and exhorting them to a like fulfilment of their promises. But the king had a large force about Oxford, and the followers of the members were rather a showy than an effective force. They were afraid, to use Lord Grey's own expression, that if they did not disperse, the king would come and pull them out by the ears: one by one they dropped off until each feared to be the last, and the house was then precipitately deserted. Shaftesbury had now nothing left but to follow their example. The peers also left their house, and the opportunity was lost.¹³¹]

¹³¹ Lord Grey's Secret History of the Rye-house Plot.

In order to render the usurpations of the king less dangerous, and to render him more safe in the exercise of his assumed arbitrary power, every art was made use of by the court to foment the divisions among the people. The church party, in particular, were continually alarmed with the dangers they were exposed to from the nonconformists. The pulpits rang with these dangers; and many of them were prostituted so far, as to revile the Earl of Shaftesbury as the great inflamer of the nation. By these means the zealots for the Establishment were engaged to promote with eagerness the views of the crown, without reflecting how much greater injuries they must be liable to from the prevalence of the Duke of York and the papists than they possibly could receive from the protestant dissenters.

A.D. 1681.

Artifices of
the court to
divide the
people.

[It certainly is an honourable testimony to the activity and usefulness of Shaftesbury, that all the Tory pamphlets of this time denounce him as the great agitator without whose baneful presence all opposition would be at an end. The fury of the party could find no expression adequate to its violence. To "Mephistophiles," "the fiend," and "Alderman Shiftsbury," was now added the title of Count Tapski. The substance

A.D. 1681. of this name was derived from the operation of tapping, which the complaint arising from his accident in Holland rendered it necessary that he should submit to; its termination, and the title of count, from a ridiculous story which was put out that he had expected to be chosen king of Poland. This story was in no slight degree kept alive by a whimsical pamphlet, published about this time, pretending to give an account of his election as King of Poland. The author enumerates all Shaftesbury's party as officers of state under the new king; and among these we find Dryden, then a Whig and a Protestant. This pamphlet is still preserved in the Somers' Tracts.]

Lord Shaftesbury apprehended.

The court was now become triumphant, and determined to proceed with vigour against the persons who had stood up in the cause of public liberty. Among these persons, Lord Shaftesbury was the principal and the most obnoxious: accordingly, on the 2nd of July 1681, he was apprehended at Thanet House in Aldersgate Street; his papers were seized, and he himself was carried to Whitehall, whither the king had come from Windsor by ten o'clock in the morning.

Examined by the king and council.

Upon his examination before the king and the council, he requested that the witnesses who had

sworn against him might be confronted with him A.D. 1681. and examined *ore tenus*: he desired likewise that the lords of the council would consider the quality of the evidence; and he appealed to them whether any of their lordships actually believed the truth of the depositions against him. He asked them whether they judged him so void of prudence as to treat with such persons about matters of so dangerous a concernment; if they did, they must think him more fit for Bedlam than the Tower. There was nothing found among his papers which could possibly be laid hold of, except the draught of an association.* A vote for an association had passed in the house of commons, and had been proposed in the house of lords. However, the draught now found did not appear to be Lord Shaftesbury's; and Bishop Burnet himself says, that "it was neither writ nor marked in any place with his hand: but when

* The corporations having afterwards. The addresses been modelled to the king's mind, addresses were sent up to the king at Windsor, and the persons who presented them were commonly knighted; upon which Lord Shaftesbury used to call them the poor knights of Windsor. almost constantly, for a year

A.D. 1681. there was a talk of an association, some had formed this paper and brought it to him ; of which he always professed, after the matter was over, that he remembered nothing at all. So it is probable that, as is ordinary when any great business is before the parliament that zealous men are at the doors with their several draughts, this was one of these cast carelessly by, and not thought on by him when he sent his more valuable papers out of the way."

And committed to the Tower.

As he was conducted to the Tower, great crowds of people ran out to see him, and saluted him with their wishes and prayers for his prosperity.¹³² One among the rest cried out, " God bless your lordship, and deliver you from your enemies ;" to whom he replied, with a smile, " I thank you, sir, but I have nothing to fear ; they have : therefore pray to God to deliver them from me." Two or three days after he was committed, one of the popish lords, pretending surprise at seeing him there, asked him what had brought his lordship thither ? he answered, " that he had been lately indisposed with an ague, and was come

¹³² In Macpherson's extracts from the Life of James the Second, it is asserted that the people hooted Shaftesbury as he was led to the Tower.

to take some jesuits' powder." Thus did he pre-
serve his cheerfulness of mind, and retain his
equanimity in every exigency.¹³³

¹³³ This anecdote is taken from a small tract in the Harleian Miscellany, called, "Memoir of the Life and Death of the Earl of Shaftesbury," published immediately after his death.

CHAPTER IX.

Lord Shaftesbury's attempts to obtain his freedom under the Habeas Corpus Act.—Their Failure.—He indicts Warcup and his agents for Perjury.—Attempts of the Court to bribe Witnesses to accuse him.—Captain Wilkinson.—Trial of College, the Protestant joiner—succeeded by that of Shaftesbury.—The Grand Jury ignore the bill against him.—Joy of the Country at his Acquittal.

A.D. 1681. **As soon as Lord Shaftesbury was committed to the Tower, the popish party exerted themselves to spread among the public a persuasion of his guilt. For this purpose, letters from unknown hands, and without names, were sent to several persons, exhorting them to secure and convey away their papers. The following is a copy of one of these letters.**

Attempts to persuade the public of Lord Shaftesbury's guilt.

“ MR. GIBBS,

“ My Lord Shaftesbury being just committed to the Tower, and Sir Thomas Player under examination before the king and council, and seve-

ral warrants out against several of our dearest friends, and now all like to be discovered, I was desired by his lordship to give warning to all his friends, and particularly those in Wapping, to secure all papers and things, &c.; of which I desire you to give notice to so many as you can think, that they nor you may be surprised: being in more haste than ordinary, have only time to subscribe myself,

“ Yours in all secrecy,

“ J. T.

“ Whitehall, July 2, 1681.

“ Your name is in the list with others of your neighbours.”

Lord Shaftesbury had been committed only upon general informations, which were procured by, and taken before, Justice Warcup, a person who, by several infamous proceedings, had long rendered his name and character justly hateful to the public. In the year 1666, a complaint had been preferred against him by Lord Arling-
 • ton for making use of his name without his knowledge in a scandalous transaction; and, the truth of the accusation being proved, the king in council had ordered him to be committed to

Justice
Warcup
employed
against
Lord Shaftesbury.

A.D. 1681. the Fleet. He was at the same time put out of the commission of lieutenancy, banished for ever from the court, and the Duke of York declared that he would dismiss him from his service. In a few weeks, however, upon Warcup's submission to Lord Arlington, and asking pardon on his knees, he was discharged from prison, and soon restored to be a justice of the peace. To this man, who was ready to execute any scheme of iniquity, was entrusted the procuring of witnesses, and their instruction as to what they were to allege against Lord Shaftesbury.

Lord Shaftesbury's applications to the sessions at the Old Bailey.

When the sessions of oyer and terminer for London began at the Old Bailey, July the 7th, 1681, his lordship, who had been kept ignorant of the crimes sworn against him, petitioned the court, agreeably to the habeas corpus act, that he might be brought to his trial, or bailed; and on the last day of the same sessions, as no indictment had been preferred or proceedings entered into against him, he moved by his counsel that he might be bailed, or set at liberty, according to law. This the Lord Chief Justice Pemberton refused, under pretence that the Tower of London was not within the limits of the commission granted to the court of sessions.

Lord Shaftesbury, being unwilling that this

denial should become a precedent for eluding the habeas corpus act, made, at the next sessions at the Old Bailey, September the 5th, 1681, by another petition, a second claim of right; and set forth that he was still wrongfully detained a prisoner, and therefore prayed to be tried or set at liberty according to law; and there being as yet no indictment, or any kind of proceeding against him, on the last day of the sessions he moved again by his counsel to be released. But the Chief Justice Pemberton refused it as before, and for the same reason;¹³⁴ though Sir Patience Ward, who was then lord mayor, declared it to be his opinion that the Earl of Shaftesbury was entitled to his discharge, and said he left it to the chief justice to answer for the refusal.

A.D. 1681.

He is repeatedly denied relief by Judge Pemberton.

Lord Shaftesbury, determined to continue his claim, exhibited, at the next sessions at the Old Bailey, October the 10th, a third petition, to the same effect with the two former; and, though still there was no indictment, the Chief Justice Pemberton refused to bail or set him at liberty.

¹³⁴ Pemberton well deserves to share that immortality of infamy which attaches to the names of Scroggs and Jefferies. The seventh volume of the State Trials affords dreadful proofs of his readiness to sacrifice the victims who were brought before him either to king or people.

A.D. 1681.

He applies
in the same
manner to
the sessions
at Hicks's
Hall,

without
success.

Bills of in-
dictment
against
Warcup
and others.

To obviate the pretence that the Tower of London was not within the limits of the city, the earl at every one of these sessions petitioned likewise, in the same manner, the justices of the peace at the sessions held for Middlesex at Hicks's Hall; where they always have a commission to inquire of any matters committed in the county of Middlesex, though they never read it, except it be required by some particular occasion: but Sir William Smith, who ruled the bench there, positively refused to read the commission, or to grant him any relief.

At the sessions held at the Old Bailey, September the 5th, 1681, four bills of indictment were offered against Edmund Warcup the justice, John Smith, John Macnamara, and Bryan Haynes, for subornation of perjury. The witnesses to these indictments were all in the court, that they might be sworn in order to their attending the grand jury. The court being informed by the clerk of the sessions that such bills were delivered to him, the chief justice, as is usual, called for the witnesses to be sworn; but one of the king's counsel standing up, and speaking privately to him, he ordered the indictments to be laid aside till the next day. The solicitor

in that business, and other gentlemen who were A.D. 1681. concerned in the management of it, humbly moved the court that, since their witnesses were all ready, they might not be put off, but sworn presently; upon which the chief justice, in great anger, demanded who those were that took upon them to direct the court, and told them they might attend the next day, which they submitted to, and attended accordingly.

When the indictments were offered again to the court, Pemberton asked what those indictments were, and ordered one of them to be read. The substance of it was, "that there being a popish plot to destroy the king, government, and protestant religion, and to introduce popery and arbitrary power, for which divers persons had been found guilty and were executed, Edmund Warcup, knowing the truth of the premises, did entice several witnesses, take off their evidence against the papists, and, by promises of great rewards, did persuade them to swear falsely against divers protestants, and particularly against the Earl of Shaftesbury, &c." The chief justice, starting up in great heat, said, "that these indictments were not to be admitted for many reasons."

Rejected by
Pemberton.

The first of these reasons was, "that, if any

A.D. 1681. persons accused of crimes should have liberty to indict the witnesses, it would be a means of destroying all evidence, and be a precedent for felons and burglars to escape punishment." It did not, however, appear to the court that the persons against whom the indictments were offered were witnesses against Lord Shaftesbury, for there had been no proceedings against him in that court; not to mention that a clear proof of subornation of perjury must have been a sufficient reason for excluding a man from giving his evidence in any cause.

Pemberton's second reason for not admitting the indictments was, "because the presenting of them was a popish design to destroy all the king's evidence, and put an end to the popish plot."

His strange
conduct.

The third, which he gave with great passion, was, "that in those indictments the king's name was used before the attorney-general had given his consent to it, without whose leave he declared that they ought not to be admitted;" and this the attorney-general, who was in the court, refused to grant.

It was certainly very extraordinary to refuse Lord Shaftesbury, and other men of character, the liberty of using the king's name in a crimi-

nal proceeding in a court of justice, when the meanest subject had an undoubted right, by the law and custom of England, to do it in any process for redressing abuses, whether against the community or particular persons. Neither had it been ever known to be in the power of the attorney, or any other officer of the law, to prevent or hinder it; since it must necessarily enable him to obstruct in a great measure the justice of the kingdom, and direct in what channel it should run; as, by a parity of reason, the attorney's consent ought to be asked to all indictments, at all the assizes and sessions, in every county of England. However, on these unjustifiable grounds, a stop was put to any prosecution upon the indictments brought against Warcup and his accomplices.

Three other indictments were likewise prepared against David Fitzgerald, Edward Ivey, and Bernard Dennis, for the same crime committed in Middlesex. When that against Fitzgerald was tendered to the court sitting at Hicks's Hall, Sir William Smith, Pemberton's representative and echo, ordered it to be openly read, and then, under a pretence of great care, he took time, till the next day, to consider and advise

A.D. 1681.

Indictment
against
David Fitz-
gerald.

A.D. 1681. about it. When the next day came, Adderley, the clerk of the peace, had mislaid the indictment, and it was never afterwards to be found. But the witnesses to it, while they were attending to be sworn in order to give evidence to the grand jury, were arrested by a private order of the court, and hurried to gaol, where, till the danger of the indictments was over, they were held to such unreasonable bail as could not be procured for their deliverance.

mislaid by
the clerk of
the peace.

The wit-
nesses im-
prisoned.

Determina-
tion of the
popish
party with
regard to
Lord
Shaftes-
bury.

The popish party at court had, for some time, resolved to confine the Earl of Shaftesbury, and to continue him in confinement, with the hope of finding proof against him; and they were resolved to make it, if they found none. That this design had been long concerted, appeared from the affidavits of some captains of ships, and others, who had been in France; and who, at St. Malo's and different parts, had heard of his commitment before it happened.

Methods
used to get
evidence
against
him.

As the ministry were not provided with sufficient evidence against Lord Shaftesbury, they were forced to take the extraordinary methods already mentioned to keep him in confinement till they had succeeded in their endeavours to gain such witnesses as would answer their purpose.

With this view they made particular application to one Captain Wilkinson, who, being at that time in prison, was looked upon as a person who might be rendered subservient to their designs. This gentleman, who had the character of being a brave and honest old officer, had served King Charles the First in the civil wars; and King Charles the Second, both at and after the Restoration. Meeting, however, with no recompense for his services, after a long attendance at court, he was going with his family, and a great number of servants, to North Carolina, of which colony he had been appointed governor by Lord Shaftesbury and the rest of the proprietors. By a delay of his voyage, after a vessel had been hired to transport him, he was involved in a debt for demurrage of the ship, arrested, and thrown into prison.

A.D. 1681.

Case of
Captain
Wilkinson.

Many attempts were used to suborn him against the Earl of Shaftesbury; * and an estate of five hundred pounds a year in Ireland, belonging to the Duke of York, was offered him if he would

* The information of Captain Henry Wilkinson of what passed betwixt him and some other persons, who have at-

tempted to prevail with him to swear high treason against the Earl of Shaftesbury.—London: printed for H. Wilkinson, 1681.

A.D. 1681. become an evidence. When promises could not prevail upon him, recourse was had to threatenings ; and at a close and severe examination which he went through before the king, the two secretaries of state, and several lords of the council, every method both of allurement and terror was applied to bring him to a compliance with the views of the court. He was proof, however, against all attacks ; and persisted in declaring that he had no treason to allege against Lord Shaftesbury. In his printed information are these words :

“ My lord chancellor would not believe but I must be guilty of knowing great things against my Lord Shaftesbury. I told him, if I could not be believed upon my word there, if they pleased to bring my Lord Shaftesbury upon his trial, I would declare in open court upon oath what my knowledge was, without any hopes of gain or advancement. My lord chancellor, I thank him, did me that equity to tell me, there were two sorts of advancement ; I need not give myself that trouble ; for I was like to come to my trial myself before my Lord Shaftesbury.”

Bishop Burnet allows,* that all this summer

* Burnet's History, vol. i. p. 506.

“there was strange practising with witnesses to find more matter against him. The court had found out two solicitors to manage such matters, Burton and Graham; who were, indeed, fitter men to have served in a court of inquisition than in a legal government.”

A.D. 1681.
Declaration
of Bishop
Burnet.

To prepare and season those witnesses whom the ministry had found out, in order to be employed against Lord Shaftesbury, Stephen College was tried at Oxford for treasonable words which he was charged with having spoken in that city. This man who, along with other persons, had attended the lords and city members to Oxford, had distinguished himself by the warmth of his zeal against popery; so that he was, in derision, commonly called the Protestant Joiner. At his trial, his memorandums, and the instructions that he had for his defence, were taken from him; notwithstanding which, he pleaded his cause with great ability, sagacity, and resolution.

Stephen
College
tried,

“It is not possible,”* says Rapin, “to read the particulars of this trial, the partiality of the judges, and the depositions of the witnesses, without discovering a settled design for the destruction of this man, who was condemned and executed as a traitor.”

and execut-
ed.

* Tindal's Rapin, vol. ii. p. 724.

A.D. 1681.

[The design of the court in this instance, however, signally failed. The London grand jury threw out the bill, and the crown lawyers were obliged to remove the prosecution to Oxford. There it was not difficult to find a jury whose loyalty would be proof against any evidence for the defence, or any demonstration of the infamy of the witnesses for the prosecution. They convicted College of course: but the proceedings could not be prevented from becoming public; and the intrepid mechanic so terribly battered Charles's pack of hack perjurers, that they were, by their own confession, rendered useless for any future service.]

Indictment
for high
treason
against
Lord Shaf-
tesbury.

On the 24th of November, a bill of indictment for high treason was preferred against Lord Shaftesbury. The grand jury consisted of some of the most eminent merchants and citizens of London, of whom Sir Samuel Barnardiston was the foreman. The two chief justices were present, and there was as great a concourse of people of distinction and substance as had ever assembled together in a court of judicature. The grand jury desired that they might examine the witnesses in private; alleging that it had been the constant practice of their ancestors and prede-

Grand
jury's rea-
sons for de-
siring to
examine the
witnesses in
private.

cessors, and insisting upon it as their right, be- A.D. 1681.
 cause they were bound to keep the king's secrets,
 which they could not do if the examination was
 in open court. It was farther urged by them,
 that, in the freedom of a private examination,
 discoveries were sometimes made of persons hav-
 ing been guilty of treason, and misprision of
 treason, who were not known or thought of be-
 fore; whereas, in a public examination, intimation
 might be given to these persons before they could
 be secured, by which means they would make
 their escape. To all this it was added, that the
 whole evidence would be known before it came
 to its principal trial by the petty jury. These
 reasons were overruled by the court; but the
 grand jury desired it might be recorded, that they Overruled.
 had insisted on it as their right to examine the
 witnesses in private.

The reason of this public examination was ob- Partiality
of the
judges.
 vious. It was intended to prevent the grand
 jury from discovering any suspicions they might
 have that the evidence against Lord Shaftesbury
 was suborned. The judges, in the course of the
 examination, very frequently and partially checked
 the jury; and, as far as they could, supported the
 witnesses, who, however, plainly appeared to be

A.D. 1681. men of no credibility and of the most infamous characters.

The bill
returned
ignoramus.

Joy at Lord
Shaftes-
bury's ac-
quittal.

As the proceedings relative to this affair are printed at large in the State Trials, the reader may thence be able to make his observations upon them. The grand jury perceived, upon examination, that the paper containing the form of a projected association was not written in Lord Shaftesbury's hand, and that the depositions of the witnesses abounded with improbabilities; and therefore the bill was returned *ignoramus*.

The audience, though in a court of justice, immediately broke forth into the loudest acclamations, which were soon echoed through the city. As Lord Shaftesbury had long stood at the head of the opposition and in the front of danger, his was looked upon as the common cause and the cause of liberty. The public joy for his acquittal was testified in every part of the city by the ringing of bells, bonfires, and drinking his health, with prosperity to the protestant religion and the liberties of England.

[Sir John Dalrymple quotes a letter in the State Paper Office, where the writer says, the applause in the court lasted an hour; and every one remembers, that it was the medal struck by

Bowen, the artist, upon this occasion, which produced Dryden's celebrated satire of the Medal. A.D. 1681.
 This medal bore the bust of Shaftesbury, with his title "Antonio Comiti de Shaftesbury;" and on the reverse, a sun obscured by a cloud rising over the Tower and City of London. Underneath was inscribed the date upon which the bill was ignored, (24th November 1681,) and a motto "LÆTAMUR."

Immense numbers of these medals were quickly disposed of; the Whigs wore them as a badge of distinction, and the frequency of their appearance showed the strength of the party. Charles was enraged at his defeat: when he heard the failure of his prosecution, he exclaimed with bitterness, "It is a hard case that I am the last man to have law and justice in the whole nation."*

He was yet smarting under the recollection of the plaudits so honourable to Shaftesbury, so insulting to himself, when he recollected the keenness of the satire with which Dryden had already smote the opposition leader, and he determined to employ his laureat to strike another blow at the popular idol.

Spence relates the anecdote thus:—"It was

* Reresby's Memoirs.

A.D. 1681. Charles the Second who gave Mr. Dryden the hint for writing his poem called 'The Medal.'— One day as the king was walking in the Mall, and talking with the poet, he said, 'If I was a poet, (and I think I am poor enough to be one,) I would write a poem on such a subject in the following manner;' and then gave him the plan for it. Dryden took the hint; carried the poem, as soon as it was written, to the king; and had a present of a hundred broad-pieces for it. This," continues Spence, "was said by a priest whom I often met at Mr. Pope's, who seemed to confirm it; and added, that King Charles obliged Dryden to put his Oxford speech into verse, and to insert it towards the close of his 'Absalom and Achitophel.'"

Dryden dedicated this poem to the Whigs, and in his epistle upon this occasion he says, "I have only one favour to desire of you at parting, that when you think of answering this poem, you would employ the same pens against it, who have combated with so much success against Absalom and Achitophel, for then you may assure yourselves a clear victory without the least reply. Rail at me abundantly; and not to break a custom, do it without wit." The advice was

faithfully followed ; the answers were as numerous and as dull as the poet could desire.] A.D. 1681.

When word was carried to Lord Shaftesbury that the jury had returned the bill *ignoramus*, the messenger found him playing at cards with his countess.

The ministry were so conscious of the injustice of the prosecution, and so angry at their disappointment, that they used their utmost endeavours to stifle all accounts of it. A messenger, and the wardens of the company of Stationers, went to the several printing-houses, requiring them to publish nothing in favour of the Earl of Shaftesbury, or in justification of the *ignoramus* which had been brought in by the grand jury upon the bill that was preferred against him. The resentment of the court.

The printers were easily intimidated ; and the more, as one Francis Smith, a bookseller, had been tried, convicted, and deeply fined, for having caused Lord Shaftesbury's speech, entitled, "The Speech of a noble Peer, &c." to be printed and published.

[But, notwithstanding the menaces of the court, the field was not entirely left to the Tory pamphleteers. Benjamin Harris, the great Whig publisher of the day, put forth many tracts which

A.D. 1681. were extensively circulated and eagerly read; many of these are preserved in Lord Somers' collection. There is one series which particularly appears to have proceeded from the press with the cognizance of Lord Shaftesbury, if not from his pen. It began by a pamphlet called "A Letter from a Person of Quality to his Friend, about Abhorrors and Addressors." The paper found in Shaftesbury's possession had called forth a new set of abhorrors. Among the foremost of these I am sorry to find the Middle Temple, headed by Saunders, one of the counsel against Lord Shaftesbury, and the most profound and profligate lawyer of his day. This society declared at the foot of the throne, that "the execrable paper produced against the Earl of Shaftesbury contained most gross and apparent treasons, more manifestly tending to the ruin of his majesty's dominions than the old hypocritical solemn league and covenant; and that whosoever promoted that rebellious association designed by the said paper, or countenanced the same by refusing upon full evidence to find bills of indictment against the authors and promoters thereof, had perverted the laws, and could have no other design thereby than to usurp to themselves an arbitrary and

tyrannical dominion, not only over his majesty's A.D. 1681. subjects, but over his majesty also.¹³⁵

This address is characterised in the "Letter from a Person of Quality," as "contrary not only to the law of the land, but to the law of all nations, sense, and reason." The letter is very

¹³⁵ The following is a copy of this celebrated paper :—" I, A. B. do in the presence of God solemnly promise, vow, and protest to maintain and defend to the utmost of my power, with my person and estate, the true protestant religion against popery and all popish superstition, idolatry, or innovation, and all those who do or shall endeavour to spread or advance it within this kingdom.

" I will also, as far as in me lies, maintain and defend his majesty's royal person and estate ; as also the power and privilege of parliaments, the lawful rights and liberties of the subject, against all incroachments and usurpation of arbitrary power whatsoever ; and endeavour entirely to disband all such mercenary forces as we have reason to believe were raised to advance it, and are still kept up in and about the city of London, to the great amazement and terror of all the good people of the land.

" Moreover, J. D. of Y. having publicly professed and owned the popish religion, and notoriously given life and birth to the damnable hellish plots of the papists against his majesty's person, the protestant religion, and the government of this kingdom ; I will never consent that the said J. D. of Y. or any other who is or hath been a papist, or anyways adhered to the papists in their wicked designs, be admitted to the succession of the crown of England ; but by all lawful means, and by force of arms if need so require, according to my abilities, will oppose him, and endeavour to subdue, expel, and

A.D. 1661. short, but it called forth some much longer and more violent answers.

It would be tedious to enumerate the tracts which this controversy produced, and it is impossible to pronounce which of them were written or corrected by Shaftesbury; but at that

destroy him, if he come into England, or the dominions thereof, and seek by force to set up his pretended title, and all such as shall adhere unto him, or raise any war, tumult, or sedition for him or by his command, as public enemies of our laws, religion, and country.

“To this end, we and every one of us, whose hands are here underwritten, do most willingly bind ourselves and every one of us unto the other, jointly and severally, in the bond of one firm and loyal society or association; and do promise and vow before God, that with our joint and particular forces we will oppose and pursue unto destruction all such as upon any title whatsoever shall oppose the just and righteous ends of this association, and maintain, protect, and defend all such as shall enter into it in the just performance of the true intent and meaning of it. And lest this just and pious work should be anyways obstructed or hindered for want of discipline and conduct, or any evil-minded persons, under pretence of raising forces for the service of this association, should attempt or commit disorders, we will follow such orders as we shall from time to time receive from this present parliament whilst it shall be sitting, or the major part of the members of both houses subscribing this association when it shall be prorogued or dissolved; and obey such officers as shall by them be set over us in the several counties, cities, and boroughs, until the next meeting of this or another parliament; and will then show the same obedience and submission unto it, and those who shall be of it.

time the support of the literary warfare was no A.D. 1681.
 inconsiderable portion of the duties of the chief
 of either party, and doubtless very few of these
 manifestoes were sent forth to the public until
 they had passed under his eye.]

As the earl saw the resentment of the court The earl settles his estate.
 so strongly pointed at him, he had some time
 before* settled his estate in such a manner as

* Bishop Burnet says, "his family would have been ruined, if he had not betrayed his party." But it is certain that the bishop knew nothing of the first part of this assertion, and that he does not give the least proof of the latter: nor does there appear one single instance of Lord Shaftesbury's having ever betrayed or ever accused any person. His flight to Holland is a plain indication that he did not; for it is not to be thought that a man of his understanding would have betrayed his party, without making terms for himself. Indeed, the bishop himself answers this charge, by what he says a line or two before, "that Lord Shaftesbury was to the last much trusted by all the discontented party."

"Neither will we, for any respect of persons or causes, or for fear or reward, separate ourselves from this association, or fail in the prosecution thereof during our lives, upon pain of being by the rest of us prosecuted and suppressed as perjured persons and public enemies to God, the king, and our native country.

"To which pains and punishments we do voluntarily submit ourselves, and every one of us, without benefit of any colour or pretence to excuse us.

"In witness of all which premises to be inviolably kept, we do to this writing put our hands and seals, and shall be most ready to accept and admit any other hereafter into this society and association."

A.D. 1681. would prevent his family from suffering, whatever might happen to himself. He granted at the same time copyhold estates, during their lives, to several of his servants whom he had found faithful to him; and some of these servants enjoyed them many years.

Sir John
Hawles's
remarks on
the return
of the bill.

Sir John Hawles makes the following remark upon this return of the bill against Lord Shaftesbury. "The grand jury* (though some of them afterwards smarted for it upon other pretences) did like honest understanding gentlemen; and had they done otherwise, to avoid the ignominy of being called (though, in truth, it was an honour to be) an Ignoramus jury, they had justly deserved the reproach which since has lighted on other juries, such as Mr. Cornish's and the like."

Sir John makes, likewise, the following remark. "Could any person who knew my Lord Shaftesbury, or that had heard of or believed his character to be what it was, believe that it was possible for him to discourse with the witnesses at the rate they swore? to some of them at the first, to others of them the second time he saw them; to discourse of matters of policy with Booth at one time, afterwards with Haynes,

* State Trials, vol. iv. p. 184.

and afterwards with Macnamara; fellows of so A.D. 1681.
 little sense, that he would have been ashamed
 to have entertained them in the meanest office
 about him; and yet, as they pretended, he makes
 them his privadoes in the secret, of not so much
 what he would have them, but of what he in-
 tended himself, to do."

"The earl, being cleared by the grand jury, Lord Shaftesbury endeavours to prosecute his accusers.
 moved to be discharged; but could not obtain
 it till the end of the next term. When he was
 at liberty, he prosecuted Graham and his ac-
 cusers, as his declaration sets forth, 'for conspir-
 ing to indict him of high treason, for which they
 solicited Wilkinson to give false testimony against
 the said earl, &c.' The defendants moved that
 they might not be tried in London, because the
 sheriffs, Mr. Pilkington and Mr. Shute, were
 Lord Shaftesbury's friends. The judges allowed
 their plea; but the earl would not try his cause
 elsewhere." *

When the judges had made an order, that the Is not permitted to try them by a Middlesex jury.
 earl should show cause why the trial should not
 be in another county, he appeared in court him-
 self, and declared it was his desire to have it tried
 by an indifferent jury, and that it might be tried

* Kennet's History, vol. iii. p. 390.

A.D. 1681. that term by a Middlesex one; for he thought an indifferent jury might as well be had there as in any other county in England. When he could not obtain this, he declared to the court, that, since he could not have the undoubted privilege of a peer and an Englishman to lay his action in any county of England, he would remit it at present, and wait for a better opportunity to revive it.

Declines
prosecuting
them in any
other
county.

The reason
of his con-
duct.

Lord Shaftesbury's reason for not trying the cause in another county is very apparent. "Since the dissolution of the last parliament, all the magistrates,* judges, justices of the peace, governors, and lord lieutenants had been changed, and the most violent Tories put in their places." Most of the corporations were, by this means, entirely in the hands of the court; and they were directed to send up addresses, declaring their abhorrence of the association, and the principles upon which it was founded. "The pulpits † resounded with the doctrine of passive obedience and non-resistance. The clergy seemed to make it their business to surrender to the king all the liberties and privileges of the subjects, and to leave them only an unlimited obedience. Ac-

* Rapin.

† Ibid.

cording to the principles publicly preached, no A.D. 1661.
 Eastern monarch was more absolute than the
 King of England. This doctrine was supported
 in the courts of justice by the judges and lawyers
 to the utmost of their power."

The court had acted with great art in one particular. It had suffered the corporation and some other acts to lie, in a great measure, dormant for some years; by which means the people, who are seldom struck but with immediate dangers, lost their apprehensions of them, and were not alarmed at the strength which they had added to the crown. These were now put in execution, and the court had modelled the corporations to its mind.

The court
 carries
 things with
 a high
 hand.

Its next design was upon the city of London, which was the centre of liberty. The lord mayor, Sir John Moore, was a creature of power, and had been one of those who had joined in expressing their abhorrence of the petitions for the sitting of parliament. By his influence, and the directions and assistance which he received from the ministry, he forcibly and illegally procured two sheriffs to be elected contrary to the votes of a great majority of the citizens. He obstructed the poll which was taken for the two other can-

A.D. 1681. didates, one of whom was Mr. Papillon, who had been of Lord Shaftesbury's grand jury. Upon this, the court openly triumphed, and resolved to resume the charter of the city and of other obnoxious corporations.

Lord Shaftesbury saw the storm coming on. The crown was armed with sufficient power, and the judges were devoted to its most arbitrary measures. The ministry were provided with evidence ready to attest whatever they prescribed; and they had now secured sheriffs, and consequently juries, for their purpose. In this state of things, the earl thought it proper to keep himself retired, and accordingly he removed from his own house to a place of concealment.

Lord
Shaftes-
bury thinks
resistance
necessary.

Though Lord Shaftesbury knew himself to be the principal object of the resentment of the court; though he was much afflicted by the gout, and by a general weakness of body which was the consequence of that disorder, the greatness of his spirit never abated. His mind continued as active and vigorous as ever. He saw that the king was determined to govern, during the rest of his life, without a parliament and upon the most arbitrary maxims. He saw that the influence of the Duke of York was greater than

ever, and that this influence produced the most A.D. 1681: pernicious consequences. He thought that the constitution was already invaded in some essential points, and he believed that it would be totally destroyed upon the duke's accession to the crown. In this situation of things, therefore, he looked upon it as right and necessary to save the nation by force, since it could not be done in a parliamentary way.

CHAPTER X.

Shaftesbury attempts to excite an Insurrection. — His Views and Plans. — Necessity of despatch. — Caution of his Friends. Ruin of the design. — Flight of Shaftesbury. — His reception in Holland. — His Death.

A.D. 1681.

Proposes to
the country
party to
make use of
force.

LORD SHAFTESBURY now proposed to several of the lords and gentlemen of the patriotic party, that they should make a stand for the religion and the liberties of their country. He advised that nothing should be done injurious to the person of the king or a monarchical government; and that their chief object should be to provide a security against the succession of the Duke of York: nor did he doubt but that the king would presently hear them, when they offered to speak to him in a more effectual manner.

[Shaftesbury was now living in obscurity, and in momentary dread of being seized by the emissaries of the court. Any plot, therefore, in which he could act a part, must be promptly formed and immediately executed. He thought the

moment was favourable to the attempt; Mon- A.D. 1681.
mouth was in Cheshire, where he had a strong
body of partisans ready to rise in his favour
immediately he called them forth. The news of
such an attempt would necessarily cause the king
to weaken the force in the metropolis, and
Shaftesbury was prepared to seize the emergency.
Walcot, West, Rumsey, and Ferguson, despera-
does or fanatics indeed in their individual cha-
racters, were invaluable instruments in a master
hand. These men had enlisted and armed bands
of men who were eager to move, and ardent in
the cause of patriotism or plunder. Such a con-
spiracy could not be delayed without a certainty
of discovery; it was necessarily known to an
immense number of persons; and Shaftesbury was
in an agony of impatience while his more cau-
tious friends were debating upon the danger of
the project, and waiting for opportunities never
likely to occur. Unable himself to appear at
their meetings, he sent frequent messages to urge
them to despatch, until Monmouth and Russell
dreaded lest he should make some abortive at-
tempt, relying upon the city alone.]

They objected to him the difficulty of the un-
dertaking, the great power of the crown, and the

A.D. 1681. hazard of their being cut in pieces by the guards before they could form sufficient forces. In answer to their objections, he told them that the crown had lost its natural strength, which was the affection of the public; and he proposed that attempts should be made in so many and in such distant places at once as would confound the counsels of the court, separate its forces, and animate the people. He declared that he would head the first party himself; and jesting on his infirmities told them, they were sensible he could not run away, and they should see that he knew better how to die at the head of the people, fighting for their liberties, than on a scaffold.

His proposal not agreed to.

When he could not prevail on them, he cried out, with a kind of prophetic fire, "that the papists should never triumph over him, whatever they might over them; and that he was afraid he should leave them to be haled away in triumph to gaols and gibbets, and to die by the axe and the halter."

There was such a spirit of liberty at that time in the nation, such a dread of the Duke of York, and such an aversion to the popish religion, that the country party might probably have succeeded in the design of rousing the people; by which

means the king might have been obliged to call A.D. 1681.
a new parliament, and to agree in passing a bill
of exclusion.

[It is true that there were far other and more violent designs entertained by some of those whom Shaftesbury had admitted into his counsels. Among them were many turbulent spirits who looked back with regret upon those times of confusion in which they had acted important parts. To these men the most violent measures appeared the most efficacious, and they contemplated the assassination of the king and his brother as the first step to the reconstruction of their darling scheme of government, a commonwealth. Algernon Sydney held that those who draw the sword against a prince should throw away the scabbard, and this was the general sentiment of the agents Shaftesbury employed in preparing the people for an armed resistance; but, while they acted with him, they were restrained by his authority. The consequences of his flight and subsequent death are thus ably described by Lord John Russell. Speaking of the year 1683, he says: "The year which thus began with the death of Shaftesbury, was nearly fatal to the liberties of England. The surrender of

A.D. 1681. the city's charter, and its renewal on the most abject terms; the decree of the University of Oxford enforcing slavery as a moral and religious duty; the deaths of Russell and of Sydney,—were deep and almost mortal wounds to our constitution."

"After Shaftesbury was gone, there were held meetings of his former creatures in the chambers of one West, an active, talking man, who had got the name of being an atheist. Colonel Rumsey,¹³⁶ an officer who had served under Cromwell, and afterwards in Portugal; Ferguson, who had a general propensity for plots; Goodenough, who had been under-sheriff; and one Holloway, of Bristol,—were the chief persons at these meetings. Lord Howard was at one time among them. Their discourse seems to have extended itself to the worst species of treason and murder; but whether they had any concerted plan for assassinating the king is still a mystery. Amongst those who were sounded in this business was one Keeling, a vintner sinking in business, to whom Goodenough often spoke of their

¹³⁶ West and Rumsey were afterwards witnesses against Lord Russell. Charles would have thought the destruction of his noble victim cheaply bought by the pardon of a hundred such wretches as these.—Ed.

designs. This man went to Legge, then made Lord Dartmouth, and discovered all he knew. Lord D. took him to Secretary Jenkins, who told him he could not proceed without more witnesses: it would also seem that some promises were made to him; for he said, in a tavern in the hearing of many persons, that he had considerable proffers made him of money, and a place worth one hundred pounds or eighty pounds per annum, to do something for them;* and he afterwards obtained a place in the victualling office by means of Lord Halifax.† The method he took of procuring another witness was, by taking his brother into the company of Goodenough, and afterwards persuading him to go and tell what he had heard at Whitehall.

“The substance of the information given by Josiah Keeling in his first examination was, that a plot had been formed for enlisting forty men to intercept the king and duke on their return from Newmarket, at a farm-house called Rye, belonging to one Rumbold a maltster; and this plan being defeated by a fire at Newmarket, which caused the king’s return sooner than was expected, the design of an insurrection was laid;

* Examinations before the Lords, 1689. † Ibid.

A.D. 1681. and, as the means of carrying this project into effect, they said that Goodenough had spoken of four thousand men and twenty thousand pounds to be raised by the Duke of Monmouth and other great men. The following day the two brothers made oath that Goodenough had told them that Lord Russell had promised to engage in the design, and to use all interest to accomplish the killing of the king and duke. When the council found that the Duke of Monmouth and Lord Russell were named, they wrote to the king to come to London; for they would not venture to go farther without his presence and leave. In the mean time, warrants were issued for the apprehension of several of the conspirators. Hearing of this, and having had private information from the brother of Keeling, they had a meeting on the 18th of June at Captain Walcot's lodging. At this meeting were present, Walcot, Wade, Rumsey, Norton, the two Goodenoughs, Nelthrop, West, and Ferguson. Finding they had no means either of opposing the king or flying into Holland, they agreed to separate and shift each man for himself.*

* Life of Lord W. Russell, p. 177.

The scenes that ensued are well remembered. A.D. 1681.
The event too well justified Shaftesbury's restless anxiety for a prompt execution of their designs.]

Whether this scheme was right or wrong in a moral light, the reader will judge for himself. However, we cannot help observing, that in the present enlightened age the question will easily be determined. If Lord Shaftesbury was certain that the constitution was invaded, that the liberties of the people were in the utmost danger, that there was no possibility of securing them by parliament, and that nothing could preserve them but force, he acted upon right principles in advising the having recourse to arms. His principles have since been amply justified by the Revolution; and indeed they cannot be condemned, without condemning at the same time the foundations of British freedom, and the title on which the accession of the House of Hanover to the throne of these kingdoms has been established.

During his concealment, one of his relations, at the instigation of his enemies, gave him some trouble. She had been educated by him, and he had disposed of her in marriage with a fortune of three thousand pounds: he intended likewise to educate her son. However, she preferred at this

A.D. 1682. time a frivolous bill of chancery against him, in order to have him outlawed for want of an answer: but, on the very night in which he left London with a view of quitting the kingdom, he drew up an answer that put an end to the suit.

Lord Shaftesbury resolves to go abroad.

His resolution of going abroad, which was quickly formed and as quickly executed, was owing to the following circumstance.

The circumstance that occasioned his resolution.

Lord Mordaunt (afterwards Earl of Peterborough) had, at his first appearance in the world, conceived a great respect for Lord Shaftesbury, who, being much delighted with the uncommon spirit and vivacity which he perceived in him, took pleasure in conversing with him and giving him advice. This the Earl of Shaftesbury did in such a friendly manner, that Lord Mordaunt was affected with it, became frequent in his visits to him, and always communicated what intelligence he could discover. Lord Mordaunt, to push his interest at court, had entered into an intimacy with the Duchess of Portsmouth. One afternoon, as he was drinking tea with her, word was brought that the king was coming in, and that he was already upon the head of the stairs. The duchess, to hide his lordship from his majesty, locked him up in a closet. While he was there, his curiosity

induced him to kneel down, and look through A.D. 1682. the keyhole, so that he saw everything which passed between the king and the duchess. But, instead of the familiarity which he expected, Lord Howard of Escric entered the room about five minutes after the king. A conversation of two hours ensued, but so low that Lord Mordaunt could not hear one word of it. As soon as the king and Lord Howard were gone, the duchess released him, and, after staying a short time, he begged to be excused a longer visit, having earnest business that would permit of no delay.

As soon as he went down, he got into a hackney coach, drove directly to Lord Shaftesbury, and told him what he had seen. Lord Shaftesbury looked earnestly at him, and desired him to repeat it. After Lord Mordaunt had done so, the earl rose from his seat, and embracing him, said, "My lord, you are a young man of honour, and would not deceive me: if this has happened, I must be gone to-night." Accordingly he left the house he was concealed in without delay, and in a few hours it was searched by the king's messengers.¹³⁷

¹³⁷ I cannot place much dependence upon this anecdote. It was not until Keeling divulged the secret that the plot was

A.D. 1682.

Lord Shaftesbury
quits
London.

Lord Shaftesbury took leave of his countess and his friends in a very tender manner, but without any distraction of mind. He quitted London in the night, disguised in a presbyterian minister's habit, and accompanied by Mr. Wheelock, one of his gentlemen, who was also in a disguise, and passed for his nephew.

Is detained
at Harwich
some days.

His lordship went directly for Harwich, where he was obliged to wait eight or ten days for a fair wind. He and Mr. Wheelock lodged together, and others of his servants were dispersed about the town in proper disguises.

One day, as Mr. Wheelock was dressing himself, and had taken off his black wig, the maid of the house came into the room, and saw him with a fine light head of hair. She immediately told her mistress, who acquainted the earl and Mr. Wheelock with the maid's discovery. As to herself, she said that she did not know, or desire to

discovered, and it is plain that Lord Howard then betrayed his friends only to save himself. If we believe that he was in communication with the king at this time, we must look upon him as a man even more infamous than history now describes him. The meetings at which the circumstances of the proposed insurrection were debated, were held after Lord Shaftesbury's flight, (that was in November, and these were held in January,) and if

know, who they were, and that they might depend upon her silence; but she could not be sure of the maid's, and therefore advised them to leave the house and town directly. A.D. 1682.

Lord Shaftesbury, believing that it was impossible to quit the place with safety, thanked the mistress for her information, and told her he should have no apprehensions from one who had such a sense of honour. "As for the maid," says he, turning with a pleasant air to Mr. Wheelock, "you must go and make love to her, and this may engage her secrecy."

The earl went off from Harwich in a boat, on the 18th of November 1682; and at the same time he sent off two of his servants, in the same dress which he himself wore, in different boats. One of the servants was stopped and secured before he could reach the ship, which contributed to his lord's escape. At that time of the year

He embarks
at Harwich.

we believe this anecdote, must have been well known to, and perhaps contrived by, Charles and his despicable spy. It is however scarcely possible that Shaftesbury should have made a discovery of such vital importance without communicating it to his friends, and equally improbable that they should confide in Howard after such a suspicion. It is to be regretted that no authority is given for this anecdote.

A.D. 1682. the sea was very tempestuous, and some ships that were in company were cast away. . . .

His recep-
tion at
Amsterdam.

When Lord Shaftesbury arrived at Amsterdam, he was visited by several of the States, and by persons of the greatest quality, who congratulated him upon his escape from his enemies and from the dangers of the seas. One of the burghers, when he welcomed him, said with a smile, "My lord, Carthago nondum est deleta."¹³⁸ The principal men of the city told him, they were sensible that his sufferings were for the protestant cause; that he had been their real friend, and that he had no enemies but who were theirs likewise. They assured him of their constant protection, and for this purpose made him a burgess of Amsterdam. They desired to have his picture drawn, which was hung up in their public room, and showed him all the respect and honours that were in their power.*

* Comme le Prince d'Orange seigneur n'étoit coupable que d'alors, qui a depuis été Roi parce qu'il s'opposoit aux des- d'Angleterre, savoit que ce seins de la cour, il fut bien

¹³⁸ This anecdote is told thus by Seward (after a very erroneous account of his *Delenda est Carthago* speech: "Before he took refuge in Holland, he applied to the magistrates for permission

He took a large house in Amsterdam, where A.D. 1682.
 he intended to reside; but he was soon seized
 with his old distemper the gout, and had a severe
 fit of it. However, the violence of it abated, and
 he seemed to be upon the recovery, when it sud-
 denly flew up to his stomach, and put an end to
 his life. He expired in the arms of Mr. Wheel- 1682-3.
His death.
 lock, on the 21st of January 1682-3.* His cou-

reçu en Hollande, où il se fit
 recevoir bourgeois d'Amster-
 dam, de peur que le roi ne le
 demandât à la république, qui
 par un traité est obligée de
 remettre les criminels d'état à
 la couronne d'Angleterre, pour-
 vu qu'ils ne se soient pas fait
 passer bourgeois de quelque
 ville de Hollande; comme
 la couronne d'Angleterre est
 obligée d'en faire autant à
 l'égard des Etats. — *Biblio-*
thèque Choisie, tom. ii.

* C'est un honneur pour
 cette province, et pour la ville
 d'Amsterdam en particulier,
 d'avoir reçu et d'avoir protégé
 un si illustre réfugié, sans avoir
 égard aux sinistres impres-
 sions qu'on avoit voulu donner

de lui, à cause d'un discours
 qu'il avoit prononcé, comme
 chancelier, dans le parlement
 1672. Les descendants de ce sei-
 gneur en conservent une mé-
 moire pleine de reconnoissance,
 comme Monsieur le Comte
 de Shaftesbury, son petit-fils,
 me l'a témoigné plus d'une
 fois. Puisse cette ville être
 l'asyle assuré de l'innocence
 autant que le monde durera,
 et s'attirer, par une si généreuse
 conduite, les louanges et la
 bénédiction de tous ceux qui
 aiment la vertu, non seulement
 lors qu'elle est heureuse, mais
 encore lors qu'elle est persé-
 cutée! — *Le Clerc, Bibliothèque*
Choisie, tom. vi. p. 367.

to do so, who answered his petition thus laconically, "Carthago
 non adhuc abolita, Comitem de Shaftesbury in gremio suo
 recipere vult."

A. D.
1682-3.

rage never failed him to the last, but was displayed during his illness in an uncommon patience, resignation, and fortitude of mind.

The respect
paid to his
memory.

As most of the lords of the States, and other persons of quality, had showed their regard for Lord Shaftesbury during his sickness by their frequent messages and visits, they testified likewise at his death their respect to his memory. They put themselves into mourning, and ordered that his corpse and his baggage should be exempted from all toll, fees, and customs in every place they should be carried through in order to their passage to England.

The ship which transported the body to England was hung with mourning, and adorned with streamers and escutcheons. When the corpse was landed at Poole in Dorsetshire, the principal gentlemen of the county, to manifest the regard which they had for the memory of Lord Shaftesbury, assembled together, though uninvited, and attended his body to his ancient seat at Win-

borne St. Giles's, where he was honourably interred.

The general
disposition
of his will.

He made his countess, Sir William Cooper, &c. executors of his will; in which he gave very libe-

rally to his grandson, Lord Ashley,¹³⁹ and entailed his whole estate upon him after the death of his son. He likewise left great legacies to his friends and servants, particularly to those who had attended him in Holland, besides several others to pious and charitable uses.¹⁴⁰

A. D.
1682-3.

[A monument bearing the following compendious history of his illustrious ancestor was afterwards erected by the fourth earl in the church of Winborne St. Giles

H. I. S. E.

ANTONIUS ASHLEY COOPER, præclaro Genere natus,
Avitæ stirpis splendorem titulis auxit, virtutibus illustravit;
Comes Shaftesburiensis, Baro Ashley de Winborne St. Giles,
Et Dominus Cooper de Pawlett; Ærarii Triumvir; Scaccⁱ ac totius
Angliæ

¹³⁹ It is scarcely necessary to remark that this Lord Ashley was the future author of the "Characteristics." Lord Shaftesbury himself superintended the education of this child. In March 1780, we find him writing to Locke, "I thank you for your care about my grandchild; but having wearied myself with consideration every way, I resolve to have him in my house. I long to speak with you about it."—*Lord King's Life of Locke*. The earl bestowed all his cares upon this grandson, through despair of making anything of his son, who appears to have been a fool. Dryden speaks of him with the utmost contempt.

¹⁴⁰ The original work concludes here: the concluding chapter has been added by the Editor.

Cancellarius; Regi a secretioribus Conciliis; Conciliique demum
Præses

Carolo Secundo (suâ maximè operâ restaurato) constitutus.
Et principi et populo fidus, per varias rerum vicissitudines
Saluti publicæ invigilavit; Regnum Anarchiâ penitus obrutum
Restituit, stabilivit. Cùm vero despotici imperii fautores,
Servum pecus, et Roma, scelerum artifex, patriæ intentarent
ruinam,

Civilis et Ecclesiasticæ libertatis Assertor extitit
Indefessus, Conservator strenuus. Humanitate, in patriam amore,
Ingenii acumine, probitate, facundiâ, fortitudine, fide,
Cæterisque eximiis animi dotibus, nullum habuit superiorem.
Vitæ, publicis commodis impensæ, memoriam et laudes,
Stante libertate, nunquam abolebit Tempus edax, nec edacior
Invidia.

Servo priori inutilia, invisa magna exempla.
Tribus abunde felix nuptiis; primis duxit Margaritam Domini
Coventriæ

Filiam; secundis Dominam Francesam filiam Davidis Exoniæ
Comitis,

Ex quâ filius unicus Hæres; tertiis Margaritam filiam Domini
Spencer.

Obiit 22^o die Januarii, A. D. 1683. Ætatis suæ 62;
Hoc marmor sepulchrale, testamenti patris piè memor,
Antonius Comes Shaftesburiensis illustrissimo proavo

Extrui curavit A. D. 1732.]

CHAPTER XI.

Character of Shaftesbury.

[In order to form a just estimate of the character of Shaftesbury, we must at once put aside all the opinions of his contemporaries. We must judge him only by the facts of his life which they have transmitted to us. The former invariably take their colour from the bias of the writer's mind; his friends indulging in exaggerated eulogy; and his enemies pursuing him with equally indiscriminating abuse. The latter form a surer standard: facts may be in some degree distorted, but they cannot be entirely deprived of their identity; and from the variety of the channels through which they descend to us, we are enabled to abstract the colouring from each, and to view them in their original character.]

Judging Shaftesbury by the standard I have proposed, he appears to have been possessed of

those two indispensable qualifications, without which no superiority of talent can form a statesman,—patriotism and ambition. Shaftesbury's genius, nursed amid the turmoils of a civil war, seemed to take its character from the scenes by which he was surrounded. He first appears a sanguine and somewhat visionary youth, whose advocacy contributed only to sow dissension among the party whose cause he had espoused. But the ill success of his first endeavours, and the danger he had escaped, wrought in him an immediate change. It requires caution and courage of no ordinary character to preserve a man who contends for eminence throughout a period of successive revolutions; yet, Shaftesbury, who entered this scene of intrigue and violence a mere boy, passed through it with unvaried success. Whatever was the form of government, his talents always procured for him an eminent position in it: whether the tyranny of the day was wielded by a committee or a council, by lords commissioners or a lord protector, it was always found necessary to court the young baronet; and it affords a remarkable proof either of his penetration or his power, that the parties whom he abandoned seldom remained long in possession of the govern-

ment, and that those whom he joined seldom failed to displace and succeed them.

This continual success could not be obtained without some sacrifice of principle. Shaftesbury can never be looked upon as a consistent or an upright man ; he was at this time evidently guided chiefly by ambition, and impelled by that restlessness of spirit which always possessed him, and never allowed him either privacy or repose. He was, doubtless, not altogether uninfluenced by a desire of preserving his country through these troubled times, but his conduct forbids us to rank this higher than a secondary motive. It is doubtful whether any form of government, however apparently excellent, would have received his support, or escaped his hostility, if he had been excluded from an active share of it. Viewing the conduct of Cooper during the supremacy of Cromwell, and the involved and intricate intrigues which preceded and followed, we cannot but admire it as a master-piece of policy ; but our admiration is excited by the energy, the talent, and the skill, not by the patriotism of the statesman.

The account given in the preceding pages of the conduct of Sir Anthony at the commence-

ment of the Revolution entirely absolves him from those accusations of treachery which all Tory writers advance when they speak of this part of his life. Shaftesbury was the foremost among those who astonished the nation by a formal declaration of that right of resistance, which had already been acted upon in extraordinary cases, but had never before been asserted as a principle of the constitution. He was afterwards the leader of the Whig party, and the chief of that opposition, without whose efforts it is more than probable that Charles would have triumphed over the liberties of his subjects, and that his brother would have consolidated his conquests. It would indeed be an inconsistency which scarcely any superiority of talent or any after services could induce us to forget, had such a man, even in his youth, espoused the party of the first Charles. That party was formed to support the most violent measures by the most violent means; to defend with the sword usurpations which had been gained by fraud and force; to extinguish for ever all popular rights, and to establish in their place prerogative. Those who joined this party must have been influenced by mere instinctive loyalty, (a motive which was

then considered so noble, and which is in reality so contemptible,) or they must have sought private advantage at the sacrifice of all public virtue. Shaftesbury's is a faulty character, but it would not have led him to herd with these. In him ambition was a powerful passion, but it was not so reckless as to lead him, like Eratostratus, to covet an immortality of infamy. Every action of his after-life, and every passage of his speeches and writings, show that he could never have cordially joined the party of the king, and that his natural and proper place was among the forces of the parliament. His conduct upon this occasion betrays the inexperience as well as the confidence of extreme youth, but it affords no ground for a charge of treachery.

The capacity of the future earl, so apparent during the eventful period of the Commonwealth, was conspicuous at the Restoration. The particular account given in this work of his management of Monk, and of the extraordinary penetration which enabled him to comprehend and govern that extraordinary man, depends certainly upon his own authority; but it is corroborated by all the circumstances of the time. His intimacy with Monk is shown by the fact that he was

among the first whom that general recommended to the king after his restoration: that he was zealous in forwarding that event is proved by the readiness with which Monk's recommendation was in this instance agreed to, the favour with which Sir Anthony was received, and particularly by the patent of his peerage, in which his services in bringing about the Restoration are expressly recognised, and stated as the chief reason of the grant.

Up to this period, his conduct, although not that of a statesman of undeviating rectitude, presents no glaring inconsistencies. He was uniform in his opposition to tyranny, whoever might be the tyrant; and even during the irresistible reaction which accompanied the Restoration, he was one of those who would have exacted securities, and who were desirous of restoring the Stuarts upon terms. Hitherto, the most prominent part of his character is that wonderful foresight, and that singular penetration, which enabled him, by withdrawing from all the violent measures of those with whom he acted, to escape the odium that attached to them, and to calculate the ebb and flow of popular feeling so correctly, that he was always borne by it into power when its

current was not too rapid to be trusted with safety.

He was now a courtier and a minister, and no Whig could hold either of these offices during the reign of Charles without a sacrifice of character. One of his first acts betrayed a degree of indelicacy that shows Shaftesbury's ideas of consistency and propriety to have been by no means of the highest order. He was certainly guiltless of the king's death, nor did he ever sanction the violent measures of the party by which that event was brought about: but he had himself fought against the king; he had been conspicuous throughout the existence of the commonwealth, and he had enjoyed a full share of the power which these men had procured. It was natural that the Royalists who had lived so long in proscription and indigence should return thirsting for revenge, and that they should seize any pretence for wreaking it upon the leaders of the late rebellion: such a task would have been a worthy and a grateful office for the Tory followers of Charles. But that Shaftesbury and Holles, who had advanced within one step of this act, and whose opinions differed but a shade from those of the parties who committed it; that these men should sit in judg-

ment upon and condemn the king's judges, is a lamentable proof of the eagerness with which even the chiefs of the late government courted the favour of the restored king, and how well prepared they were to forfeit their character, and abandon their opinions, to attain that object.

I have before observed that Shaftesbury was active in apprehending and examining these men, whose conduct, although unnecessarily violent, and therefore highly culpable, was not deserving death; and that Holles rendered himself conspicuous at their trials. Such conduct can admit of no excuse; it was a meanness unworthy men of character and talent, and could only have been prompted by the most pitiful motives.

This was but a prelude to other and more important acts, which are even yet less capable of defence. Shaftesbury's conduct while a minister of the crown merits general condemnation. He now abandoned every principle which he had formerly held, repudiated those opinions by which he had formerly been guided, and boldly stood forward the hired advocate of new usurpations, the champion of prerogative.

In the preceding work much has been said in extenuation of Shaftesbury's conduct while he

held office under the crown, and he is now proved to have been opposed to many of those iniquitous measures which have been often ascribed to him. But it is unnecessary to criticise every act of the government of which he was a member. We may acquit him of all participation in the ruinous project of shutting up the exchequer; we may absolve him from all knowledge of the secret treaty; we may believe him to be guiltless of a bribe; and yet sufficient remains to characterise him as a corrupt and pernicious minister. ·

Men become corrupt from other motives than that of avarice: vulgar minds are seduced by money; the most illustrious yearn after power. This was the bait that led Shaftesbury astray from the path of political consistency, and made him a member of the Cabal. According to our ideas of ministerial responsibility, he is guilty of every act which has rendered that name so infamous, except the secret treaty, of which he had no knowledge. But this principle of our constitution was at that time more vaguely understood, and Shaftesbury only considered himself responsible for those measures which he himself recommended in council or supported in parliament.

It is in vain to attempt to draw any distinction which may form a ground for a full defence of Shaftesbury's ministerial conduct. His name cannot be erased from the list of the commissioners of the *traité simulé*; and there is scarcely a shade of difference between the guilt of those who advised this treaty, and of the king who effected the other. To seriously undertake a violent change in the religion of a free and powerful nation, and to hope to support his despotism by the aid of foreign mercenaries, was a project worthy of the heart and head of a Stuart; but even Charles, afterwards, when he saw the turbulent disposition of the people, and reflected upon the fate of his father, discovered how hopeless was the adventure, and abandoned it in despair. It required, therefore, no great virtue in Shaftesbury to resist all overtures to engage in so absurd a task;—his enemies never accuse him of more than a want of principle;—to have joined in this he must have been destitute of understanding. He went, however, as far as he could with safety. He accepted for his master a bribe with which he scorned to pollute himself; and in return he sold his country to France, with a full knowledge of the iniquity of the measure he was advancing; for

this his after conduct proved. He rendered England for the time a mere dependency of the French crown; he plunged her into a war with a power which it was at that time peculiarly her interest to protect, and employed her arms in the service of a dangerous rival. He concocted with a foreign power measures which he knew would rouse his countrymen to rebellion, and sought and received a promise of troops to suppress the insurrection which he was determined to provoke. All this he did to obtain for his master the means of dispensing with parliaments, to prevent any serious opposition to the usurpations of the crown, and to preserve that arbitrary power which Charles possessed, but he himself wielded.

For this Shaftesbury is personally responsible, and for this every impartial student of the history of his country must condemn him. But there are some favourable points in his ministerial character, and these are sufficient to create a wide distinction between him and his associates in the government: some of these are not untinctured with that favourable feeling towards a strained prerogative, which is so natural to those who expect to influence its exercise; others are less adulterated. Among the former may be

reckoned his declaration of indulgence; perhaps his constant opposition to the Duke of York and his popish confederates deserves to be ranked among the latter.

Shaftesbury's sentiments upon the subject of religious toleration are alone sufficient to place him immeasurably above the mere candidates for royal favour who crowded the avenues of Charles's court. These sentiments, not all the violence of party struggles, not all the peril occasioned by the secret attempts of the catholics, could overcome. There is a sentiment recorded by Mr. Locke upon this subject: "Lord Shaftesbury desired me," he says, "to weigh seriously whether liberty and property were likely to be maintained long in a country like ours, and in this age of the world, if articles of faith and matters of religion should become the only accessible ways to our civil rights."* This sentence, and that which preceded it, disavowing any approval of unnecessary severities against the papists, were very far in advance of the age. It is a truth which Shaftesbury and the philosopher held in common with very few others: its universal acceptance was reserved for a future day.

* Letter to a Person of Quality.

That the means by which Shaftesbury attempted to effect a measure of toleration were utterly indefensible, I have already declared : but he, who was not a very strict casuist, might think that the end he proposed justified the means he adopted ; and the object was certainly important. Shaftesbury readily penetrated the designs of the Duke of York and his coadjutors ; and there is no reason to be drawn from any part of his conduct, to prevent our conceding to him that, while he saw the absurdity, he detested the wickedness of those designs. To oppose them with effect it was necessary to unite the protestants. According to the detestable policy of Charles, the severe laws which had been enacted against all nonconformists were executed with cruel precision against the protestant dissenters. He hoped that they would be thus driven to resistance ; and that with the army which this excuse would enable him to raise, he should be in a situation to render himself an absolute catholic sovereign of a catholic kingdom. The patience of the dissenters upon this occasion forms a noble contrast to the persecuting spirit which distinguished the high-church monarchy-men of Charles's first parliaments. The protest-

ant nonconformists submitted patiently to every severity rather than raise complaints that would give the court an excuse for further measures for the establishment of popery; but, although they restrained their indignation, they could not but feel resentment at the persecution they endured; and the first object of any able man who meditated an opposition to the popish successor, must be to unite all protestants in a common defence. We may believe that this was Shaftesbury's design, but he underrated the vigilance of the dissenters. They unanimously opposed the declaration; and declared that, although they wanted an indulgence, they would never receive it at the expense of all law.

Foiled in this attempt to create a covert opposition to the party now absolute in the cabinet, Shaftesbury soon discovered the necessity of taking some decided step. He had already made every sacrifice to retain his station, short of engaging in a deliberate crusade against the liberties of his country: he saw that he would soon have to choose between this last step and dismissal. That he might yet have preserved himself in power is rendered certain by the proof now produced: magnificent offers were made to

allure him. The service of the court offered rank, power, and influence: it was not without excitement, for it was attended with much danger; nor was it destitute of profit, for so valuable an ally might expect to participate largely in the liberality of France. On the other side was certain loss of power, and a very uncertain prospect of popularity. Shaftesbury had done little of late to deserve the favour of his countrymen; and he might reasonably anticipate, that, when he came to them a discarded courtier, they would receive him with suspicion or contempt. If there was danger to be met in the cause of the court, there was at least an equal danger in that of the people. Shaftesbury well knew the extent of the power which the crown now possessed; and he also knew that this power was about to be strained to its utmost stretch, to obtain a decisive object, and to crush all opposition. He was too well versed in the politics of the day, not to be well aware of all the evils which must follow him in his secession,—they were certain: the advantages were, in the most favourable point of view, but problematical. It has been said, and has been too abundantly proved, that Shaftesbury was ambitious; his present con-

duct shows that he was not destitute of patriotism. He had wavered long between these two motives, and he had sacrificed much of the latter to the former; but when it became necessary to choose distinctly between the two, he shook off at once his robes of office and went over to the Whigs.

Shaftesbury immediately became the object of the Duke of York's direst animosity, and that person now directed the government of the nation. The period which immediately succeeded, notwithstanding the labour successive historians have bestowed upon it, still continues to be the most mysterious part of our history. Much of the obscurity that once veiled it has indeed been removed by the researches of Macpherson and Dalrymple; but the secret history of those artifices by which the whole nation was excited to, and sustained in, a credulity which appears to us infatuated, is yet untold. The incessant rumours of plots, which kept the public mind so restless, and the eagerness with which, although destitute of probability, they were believed, are easily traced to the suspicions which were so justly entertained of the king. Men who move with a consciousness of the pre-

sence of a secret enemy, believe they behold him in every shadow; and those who valued their religion and their liberty thought they saw in every pretended plot that real one which they with so much reason dreaded. Unfortunately, Shaftesbury was so immediately connected with the intrigues of this period, that, to form a perfect and minute judgment of him, we must be thoroughly acquainted with them; and this, whatever the future publication of private papers may hereafter discover, is not yet granted to us.

We know, however, quite sufficient to convince us that the passionate persecution of the court, and his own superior powers, immediately placed him at the head of the Whig party. His knowledge of the secret counsels of the Cabal, resentment for the ingratitude with which he thought his services had been requited, and zeal for the cause which he had now thoroughly espoused, rendered him more violent in his opposition even than those to whom he had so lately been opposed. It was indeed a time when energy was required to contend; and judgment was necessary to mature the means of defence and select the points of attack.

In the struggle which followed, Shaftesbury

played an important, but a very equivocal part. He now knew of the whole scope of that secret treaty concerning which he had been so miserably duped. He knew that a plot existed, headed by the royal brothers, supported by all the power of the crown, and sustained with gold and promises of armed assistance from France. He knew that there were multitudes of emissaries from the court of Rome in the kingdom, who were arranging all the minutiae of the projected effort, and extending it in countless ramifications throughout the empire. He had discovered sufficient to render him certain of an approaching danger, and certain that it was of no ordinary magnitude; but he knew not where it existed, or in what form it would appear.

With such apprehensions, it is natural to suppose that Shaftesbury and his coadjutors were quite ready to credit as undoubted facts, statements which we, who are uninfluenced by the same fears, immediately reject as falsehoods. The first depositions of the informers who opened the dreadful tragedy of the Popish plot were neither so absurd nor contradictory as they were afterwards rendered by the numerous additions which were found necessary. The murder of Sir Ed-

mondbury Godfrey immediately after he had taken these depositions, gave a terrible probability to the story ; and the letters of Coleman, the Duke of York's secretary, anticipating the immediate establishment of his own religion throughout the country, and naming his master as the instrument destined by Heaven for this great work, so strongly corroborated all that had yet been said, that no proof however clear, no absurdity however palpable, could remove the deep impression.

If this pretended plot was contrived by Shaftesbury : if, as Sir John Dalrymple says, " Shaftesbury coined rumours as they fitted his purpose, and had men of his party ready who could repeat, and men who could write them, so as to make them circulate through every part of the kingdom : " if it be true, as he affirms, that, " void of all feeling, he confirmed his inventions by public trials, and without remorse saw prisoners led to death for charges which himself had contrived,—engaging thus even the passions of horror and amazement in the public to make things credible which without these could not have been believed : " *—if this be true, and he did as Mr. Hallam says, † " halloo on these per-

* Dalrymple, p. 45. † Constitutional History, vol. ii. p. 605.

jured witnesses through all the infamy of the popish plot," then it is in vain to inquire further into the character of Shaftesbury. We must look upon him only as a calculating and cold-hearted murderer, from whom we turn with feelings of disgust and loathing. No patriotism, no eloquence, no talents, could ennoble such a man, or entitle him to the remembrance of posterity except as an object of execration.

But I do not believe Shaftesbury to have been thus guilty. Notwithstanding the sneers of Mr. Hume and those who have followed him, it is certain that, at the first opening of the popish plot, circumstances so favoured its probability that any rational man might have yielded it his credence. Shaftesbury, I think, did so honestly : he was active in the examination of Atkins and others, who were thought to be privy to the plot ; and his conduct is certainly that of a man who thought he had before him an obstinate conspirator. But circumstances, which might incline a reasonable man to believe, wrought in the generality of the people an immoveable conviction ; the flame quickly became ungovernable, and far beyond Shaftesbury's power to quell. A popular leader may direct the pas-

sions of his followers, but he cannot restrain them when aroused. Shaftesbury's activity, when the plot first broke out, was doubtless efficient in kindling this flame; but he had no power to quench it.

It is indeed exceedingly unfair that Shaftesbury should be held solely accountable for this epidemical madness, which produced a simultaneous effect upon the whole nation. Why should one man be made responsible for a credulity which was shared by an entire people? * Why should it be considered impossible that he could credit a plot which was declared to exist by parliamentary votes passed without a dissenting voice, which was brought to light by the first minister of the crown, which every man in the empire believed except those who

* Even the Tory printer Thompson, when he put forth that mass of ferocious ribaldry, called "Loyal Poems, published by Nathaniel Thompson," speaking of Oates in his preface, says, "That masterpiece of hocus-pocus, where the dexterous operator Titus so much outwent every little brother of the sleight-of-hand, the puny jugglers of the age, that whereas their feeble art can only swallow knives or daggers, this greater Hictius Doctius could gorge or disgorge fire-balls and black-bills, nay, squadrons and armies, either above or below-ground; and though with no less than three kingdoms for their spectators, scarce one English eye-sight quick enough, or one head-piece deep enough, to detect the legerdemain."

were implicated by it, and which he had particular grounds for deeming probable? Shaftesbury was indeed now the head of the Whig party, and to the Whigs this plot has been generally attributed, but unjustly.* There is strong reason to suppose that it was originally a court expedient to increase their standing army. There is no doubt that Lord Danby might have silenced the informers at once; but he chose rather to introduce them to the public. The king laid the affair before his parliament, expressly mentioned it in his speech, and all the measures of the court showed a design to favour its prosecution. It quickly grew too strong for their control; but it was taken out of their hands, not by the Whigs, but by the country. The court then veered round, and was followed by its own little party. The catholics, the immediate dependents of the court, and a few men of superior intellect of both parties, remained incredulous; but all the rest of the nation, whether Whig or Tory, joined loudly in the cry. This

* The propriety of charging the Whigs, as a body, with the invention of this plot, will more naturally require extended notice in a work upon which I have long been at intervals employed, and which will probably be called a "History of the Whig and Tory Parties, from their rise in the reign of Charles II. to the passing of the Reform Bill."

was particularly evident upon the trial of Lord Stafford. In the house of lords the Tories possessed a decided majority, yet was that nobleman convicted; the lord chancellor and several of his associates in the ministry voting against him, while Lord Holles, and more than one other of the Whigs, voted for his acquittal.

It is folly to attribute to the agency of a single man so mighty an impulse as this: in order to be thus acted upon, a nation must be prepared by a long series of suspicions; and, when thus prepared, nothing is too absurd to become an object of popular belief. Individuals who are most acute in ordinary matters will, under such influence, be often found the most forward to advocate conclusions that are warranted only by their prepossessions. We have in our own days heard a cry of "popery" no less unaccountable upon any rational principle than this. It was scarcely less powerful, since it for some time overbore the good sense of the nation; and it was even more absurd, since it was raised at a time when, as Lord John Russell well remarks, any danger from the papacy was just as probable as a second invasion of the Romans.*

It is, however, necessary to notice some evi-

* Life of Lord William Russell.

dence which has been brought forward in order to stigmatize Shaftesbury as the author of this plot. Roger North relates an anecdote, that a certain lord in the earl's confidence once asked him, "What he intended to do with the plot, which was so full of nonsense as would scarce go down with *tantum non* ideots? What then could he propose by pressing the belief of it upon men of common sense, and especially in parliament?" "It is no matter," Shaftesbury is said to have replied; "the more nonsensical the better: if we cannot bring them to swallow worse nonsense than that, we shall never do any good with them." *

Roger North is a mere party writer; his malignity and effrontery form a sufficient antidote to the poison which his work contains. Any man who wished to give an impartial account of any act which at all interfered with the party politics of this author, would immediately reject his authority as utterly worthless. I cannot admit him as a witness against a man whom he so cordially disliked.

Sir John Dalrymple says, "It has been doubted whether Shaftesbury contrived the popish plot, or if he only made use of it after it broke out:

* Examen, p. 95.

some papers I have seen convince me he contrived it, though the persons he made use of as informers ran beyond their instructions." *

I place as little reliance upon this evidence as I do upon that of Roger North, whom Sir John proceeds to quote with entire belief. We know that Dalrymple was far too much addicted to sacrifice historical truth to rhetorical effect, and the value of his *Memoirs* has fallen in proportion. He had a strong bias towards Tory principles; he drew his history chiefly from those who advocated those principles; and he would doubtless, upon such a subject, be convinced by evidence which to another would appear very questionable.

There is yet stronger reason to doubt Sir John's authority upon this point. After the publication of his *Memoirs*, he put forth a volume of *Appendix*, containing all the original materials from which his work had been compiled, and many very valuable papers, to which he had since obtained access. Of all the mysterious points in the reign of Charles the Second, that of the popish plot is the most impenetrable; yet in this *Appendix* there is no mention whatever, not even a hint, concerning those important papers which had rendered this subject so clear to this historian.

* *Memoirs*, p. 43.

When we remember the laudable enthusiasm of Sir John Dalrymple in the collection and publication of historical materials, and the great importance of the point thus vaguely disposed of; and when we couple his known political bias with the absence, not only of the papers themselves, but also of all definite allusion to them; we have sufficient reason to reject this testimony with as little scruple as we did that of Roger North.

The impossibility of a man of sense believing this plot, is distinctly disproved by the dying declaration of Lord William Russell. "As for the share I had," he wrote, "in the prosecution of the popish plot, I take God to witness that I proceeded in it in the sincerity of my heart, being thus then really convinced, as I am still, that there was a conspiracy against the king, the nation, and the protestant religion; and I likewise profess that I never knew anything, either directly or indirectly, of any practice with the witnesses, which I looked upon as so horrid a thing that I could never have endured it." *

Who shall impeach this testimony? It is the dying declaration of a nobleman who possessed a sterling sense more valuable than genius—of a

* Paper delivered to the sheriffs by Lord William Russell at his execution.—*State Trials*.

man upon whose memory not a stain of dishonour rests.

Upon a careful examination of the imperfect materials we have for forming a judgment, I think the balance, in this instance, inclines in Shaftesbury's favour. An impartial person will look upon him as a violent partisan hurried away by passion and blinded by apprehension of a real danger, but he will acquit him of being the deliberate contriver of a scheme of wholesale murder.

This is by far the most important accusation which has been brought against Shaftesbury; yet it is a singular instance of the universality of the popular feeling, that few of his numerous adversaries press this against him. Otway, in his "Venice Preserved," ridicules him, under the character of Antonio, raving of plots; and Dryden, as Achitophel, in his celebrated poem: but even he allows the existence of the plot,—“Some truth there was,” he says; although he accuses him of exaggeration.

I have found among the Lansdowne MSS. a short character of Shaftesbury, which is worthy of insertion as a favourable specimen of the manner in which his enemies thought and wrote of him while thus employed in strenuous opposition.

“THE CHARACTER OF A DISBANDED COURTIER.

“Dedicated to the Author of that famous Speech called ‘The Speech of a Noble Peer.’

“He was born of a considerable family; heir to a fortune above contemptible; but with an aspiring mind, by much too high-flown for his quality and his estate.

“His behaviour towards his king was so loyal in times of difficulty and danger, that everybody who knew him knew he deserved advancement, —advancement at least as high as that of Haman.

“His dexterity in doing ill, made him thought capable of performing admirably well, if ever he came to be publicly employed and intrusted.

“So he was preferred for his ability to the highest places of honour and office, admitted into the cabinet councils, made acquainted with all the secret wheels, and could tell how many coggs there was in each wheel upon which the great engine of state was turned and kept in motion.

“By the favour of his prince he acquired sufficient riches to support the splendour of a family new raised to the degree of nobility.

“His glory was once so eminently conspicuous

that there were but a few persons below the crown seemed above him ; and nothing was wanting to render his felicity as lasting as Nature intended his life, but a heart that knew how to be grateful to a most munificent benefactor.

“ He thought all the favours and honours he enjoyed were less than the reward of his merit : that thought puffed him up with pride, such a sort of pride as is usually attended with an irrecoverable fall ; which was his fortune. And at his fall (like that of Lucifer, his predecessor,) might very well have been proclaimed, Woe to you the inhabitants of the earth, for the Devil is come down among you !”

“ Open revenge against his sovereign being too dangerous to attempt, he presently resolves upon secret ; he exposes all the weaknesses and infirmities of the court, (from which no court, or city, or country can or will ever be free ;) and where he can find no real faults, he feigns imaginary ones, and passes them off for currant.

“ By his new and false optic, he represents every molehill of mistake in the public administration for a mountain as tall as Teneriffe, and as dangerous as the top of Etna : nay, he multiplies and magnifies the very miscarriages which were the effect of his own evil counsel.

“ He amuses the free'st nation in the universe with wild rumours and extravagant apprehensions of slavery, under the government of a prince who, in acts of favour, and mercy, and clemency, has exceeded all his predecessors.

“ He fills the heads of the people full with whimsical fears of fantastic devills, chimeras, which only his malice had raised on purpose to frighten them out of their loyalty and their witts, and prepare and ripen them for Bedlam or for rebellion.

“ He makes the pretences of liberty the stirrup to get up, and religion the steed he rides in pursuit of his monstrous designs.

“ With these pretences he cheats the innocent (after tickling their fancies with the feathers of ambition); and promising to open their eyes, serves them as the apostate angel did our parents in paradise,—only shows unto them the dust of disobedience; and then robs them of those jewells he undertook to bestow, (viz.) liberty and religion, which are both so much talked of and both so little understood.

“ Being a gentleman of no religion himself, he seems for all that to espouse every division and subdivision of it, every faction and person

who are bold enough to stand stiff in opposition to the ancient and well-settled form of government.

“ If he be by inclination covetous, and temperate by nature and habit, he rather chooses to invert nature itself than suffer a disappointment in his designs of revenge, to which he makes a sacrifice at once both of his virtues and his vices.

“ He keeps open house for entertainment of all state malcontents, without consideration of quality or qualification.

“ He accompanies and carrouses, and contracts intimacy and amity with, the lewdest debauchees in all the nation that he thinks will any ways help to forward his private intrigues.

“ He becomes all things to all men in the very worst of senses—perverting the design of St. Paul’s—that he may at least prevail some to be as bad as himself.

“ Nor are soft and easy men by him only deluded; he is too cunning for the very lawyers themselves (though they are too cunning for all the rest of mankind). A most eminent attorney, and a famous solicitor, and a reverend judge, are not free from the force of his enchantment.

“ By the subtlety of his insinuations he bewitches to associate with him great part of the new, and of the sons of the old nobility,—the sons of such fathers as dyed in the faithful defence of their suffering sovereign.

“ He deceives (besides a number of other great men and great counsellors) a generall of an army, a viceroy of a kingdome, a darling of the people, and a son to the greatest and the best of fathers upon earth.

“ He would fain be reputed as constant as the sun, and yet his age has produced nothing beneath the moon more fickle and variable; for he never was, and his like never will be, true to anything, save only the eternal resolution of doing mischief.

“ Having lost his honour with his prince, and the good opinion of the best subjects and the best men, he cringes, and creapes, and sneakes to the meanest and basest of the people, to procure himself among them an empty and vainglorious (because understood) name,—The Patriot of his Country.

“ And hoping to be shortly made the little head of the great rabble, he would persuade them to believe that they are all betray'd; and that the

king himself is in the plot against himself, as well as in the plot against them.

“ He encourageth them to strike home against those whom he calls the enemies of the king and kingdome, (pointing at the faithfulest and most affectionate servants to both,) well knowing that the mighty fabric can never be shaken till its main pillars and supporters be by cunning and sly stratagem either destroyed or undermined.

“ At last, through the Divine Providence, the magicall mist he had cast before men’s eyes dissipates and totally vanishes. The hypocrite’s veil falls off of its owne accord, leaving his deformity naked and openly exposed.

“ His dearly beloved mistress, Popular Applause, forsakes him; and, to compleat his undoing, he lives to see the death and burial of his fame,—even the very fame of his politics.

“ So that nothing remains to give him consolation, after such sensible and biting disgraces, but only the liberty he has left him to follow the great example of King David’s defeated politician.

“ Postscript to the Printer.

“ If you be anxious to know who is meant in this character, you may easily imagine ’tis Simon

de Montford, Earle of Leicester; in whose time the wood* parliament sat at Westminster.

“ He was one while a prime favorite of the king, one while the meer idol of the people; sometimes a rebell, and always a rogue.

“ However, if any man now alive claim a property in any part of the character, you may tell him the author is a peaceable person, and, rather than stand a suit at law, let every one take what part he calls his owne, and much good may it do him.

“ Farewell !”

Whether Shaftesbury deserved the reproaches thus lavished upon him, the reader is now in a position to judge. The latter part of his public life, the bill of exclusion, the projected rebellion, his design in favour of the Duke of Monmouth, need no defence. The king, by his violent attack upon the charters, and other equally tyrannical conduct, had struck down the constitution, and the life and fortune of every man in the kingdom lay at his disposal. He had become an absolute tyrant, and every Englishman was bound to resist him. The only question is, whether the

* *i. e.* mad.

plan proposed offered a fair prospect of success. If it did not, the attempt was undoubtedly culpable. Monmouth's popularity was certainly great, and Shaftesbury was well versed in the conduct of revolutions; his influence in the city was all-powerful; and there is reason to believe that, had his advice been taken, and the plan he contrived promptly executed, Charles would have died in exile, or reigned as a limited monarch, and Russell and Sydney might have lived to serve and adorn their country.

It must never be forgotten that by Shaftesbury's exertions we obtained the habeas corpus act, and that he introduced a bill to render the judges independent of the crown. The latter failed, but its importance was never lost sight of; and these two laws now form the two best pledges of the durability of our constitution.

For strict political honour he has no rival in that age except Lord William Russell. All their contemporaries, not even excepting Algernon Sydney,* did not scruple to accept from

* "I have in my life," says Sydney, in an excellent letter, "been guilty of many follies, but I hope of no meannesses. *** Detestable bribes, worse than the oaths now in fashion in this mercenary court."—*Somers' Tracts*, viii. p. 7. Yet Sydney

France a bribe for the performance of services which they would have considered it their duty to perform otherwise. But these two men stand alone; and if Shaftesbury is inferior to Russell in genuine patriotism, as he undoubtedly is, he equals him in his high contempt for those groveling considerations which influenced so many others.

Upon a retrospect of the acts of Shaftesbury's public life, it is perhaps fair to adopt the Persian method of computation of merit, and oppose the good to the evil. The balance is greatly in the earl's favour. However justly he may be condemned for particular acts, and however strongly we may reprobate isolated parts of his conduct, no one who values constitutional liberty can look upon the important labours which he wrought, and remember that his was the head that contrived and the hand that executed, without viewing him as a benefactor to his country. It would

received two sums of five hundred guineas from the French agent who was instructed to sustain the fervour of the opposition members. Lord John Russell throws some discredit upon the paper which has brought the secret corruption of this time to light, and attempts to defend Sydney and Hampden; but, although very willing to be convinced, I cannot resist the evidence which the papers in Dalrymple afford.

be vain to search throughout mankind for an individual whose every act was prompted by a pure and disinterested patriotism: it is yet more vain to search for such a man among distinguished statesmen; those who draw such may sketch from nature, but they fill up the outline from imagination. Happy is it, both for the memory of the statesman, and for the country which he influenced, when it can be said of him with justice, as it may of Shaftesbury, that he died his country's benefactor.

The private character of Shaftesbury will require no extended notice. Mr. Fox, who was by no means partial to the earl, admires him as strictly a man of honour; and every act of his life justifies the opinion. His conduct to Mr. Holles and Lord Arlington will not be forgotten; and his performance of the important duties of chancellor drew unwilling admiration from his enemies. Unfavourably circumstanced as Shaftesbury was for discharging the functions of a judge, it is no small testimony in his favour that Roger North, who hesitated at no exaggeration, who was himself a lawyer, and seemed actuated even by private hatred against the earl, can ad-

vance nothing against his chancellorship but the whimsical gossip which I have already quoted.

As a private gentleman, Shaftesbury might challenge the severest scrutiny. Of his conduct in the other and more domestic relations of life we know but little. We are told, in the foregoing work, of letters still existing, which passed between him and his lady, and "are proofs of the tenderness which he had for her." *

The opinion of Charles, and the anecdote I have cited from North, seem to discredit this praise; but Shaftesbury was a courtier in the most licentious court that England ever saw. It was not his object or his talent to awe by the severity of his virtue; he aimed rather to attract by his lively manners, and to please by his sparkling wit. Clarendon, who had preceded him, exemplified the folly of a man attempting to preserve a character for private morality while holding office under such a king. We can imagine, and smile at the awkwardness which the grave and correct Clarendon must have felt, while kneeling before the newly-married queen, and entreating her to receive her husband's favourite

* Vol. i. p. 33.

mistress as one of the ladies of her bed-chamber :^{*} but Shaftesbury had the tact to avoid the reputation which would render him useful in such disgraceful offices. Charles saw in him no tacit censor of his conduct ; for the earl vied with himself in immorality, and was consequently admitted to his society in his convivial and unguarded hours. If the letters mentioned warrant the character which has been drawn from them, there is nothing in the opinion of either Charles or North to disprove it ; for the ambition of Shaftesbury would have prompted him to acquire a reputation for debauchery, even though he had shunned its practice.

Neither old age, infirmity, nor persecution, could impair Shaftesbury's cheerfulness and his enjoyment of a jest. I find the following anecdote in a letter written by Mr. Benjamin Martyn to Dr. Birch in the year 1741, while employed in writing this work. Mr. Martyn writes :[†] " I saw, two days ago, an old gentleman who was an acquaintance of the first Lord Shaftesbury.

^{*} See Mrs. Jameson's " Beauties of the Court of Charles the Second."

[†] This letter is among the Birch MSS. and is dated September 20th, 1741.—*Aysc. Cat.* 4313.

He is between eighty and ninety, has a good understanding, and a surprising memory as far as relates to stories of his youth. He says, Lord Shaftesbury had to the last a prodigious vivacity and cheerfulness, that appeared in all he said or did. One trifling instance he related which he was an eye-witness of. When Lord Shaftesbury lived at Thanet House, in Aldersgate Street, a country clergyman inquired for 'my lord;' and being introduced, he fell upon his knees before Lord Shaftesbury, who was in a grey silk night-gown, and said: 'My lord, I humbly ask your blessing.' The earl held his hand over him and said, 'I give you my blessing as Earl of Shaftesbury, which perhaps may do you as much good as my Lord of London's; but he lives over the way.' The clergyman, frightened at what he had done, (for Shaftesbury was at that time looked upon as a sort of evil spirit by him and his party,) got up and ran away very abruptly without taking any leave."

As a patron of literature, Shaftesbury is justly entitled to our high estimation. We have seen the strict intimacy which existed between him and Mr. Locke. The earl was often a sharer in the literary labours of the philosopher; and there

yet exists among his papers a letter upon Toleration, which appears to be an early sketch from which Locke's Essay upon the same subject was afterwards filled up. The abuse which was lavished upon him by the court writers, he seems to have treated with the most philosophical and provoking disregard. Dryden, himself a renegade both in politics and religion, could never draw from him a reply. The foolish liberality towards this poet, which has been attributed to him, is indeed disproved; but we never find that Shaftesbury betrayed resentment for the cutting satires with which the laureat lashed him. Shaftesbury's indifference was a fortunate circumstance for Dryden, since the conventional law of libel was at that time so summary that he had received a very severe cudgelling through the agency of the Earl of Rochester, only because his lordship chose (erroneously) to suspect him to be the author of a lampoon that appeared against him. Had the ex-chancellor been equally susceptible or vindictive, Dryden could seldom have returned home at night from his coffee-house in safety.

Literature owes much to Shaftesbury for the studious care which he took of the education of

his grandson. We are told that, while he was yet an infant, he was taken by his grandfather, and placed under the care of a lady of such rare acquirements, that from his cradle the future author of the *Characteristics* imbibed an acquaintance with the ancient languages, and spoke them indifferently with his mother-tongue before he was old enough to distinguish them. It is, doubtless, owing to the example and exertions of this great man, that the pursuit of literature and the promotion of it in others, seemed to be for several generations hereditary in his descendants.

He appears himself to have possessed considerable ability for light and sketchy composition; and those pamphlets which are attributed to him are by no means destitute of vigour. They are however now read only by the historian, as they possess but few of those graces of style for which the political papers of the next age are so preeminent. The merit of the lighter productions of his pen we can only guess at by the specimen which has escaped to the public, and has been already inserted.*

As an orator, Shaftesbury holds a very high

* Vol. i. p. 306.

station; his friends have claimed for him, and his enemies have conceded, this excellence. By far the best specimen which has descended to us of his powers as a speaker, is his speech against Cromwell's upper house: this is indeed a masterly production. The others, which were so rapidly printed and circulated throughout the nation, are evidently but abridgments of what he really said. The fame of an orator must be read in the effects of his eloquence: in the most accurate report of the most brilliant speech we miss the presence and energy of the speaker: the mere words give us no idea of his power. The history of the period shows that Shaftesbury's voice was not raised in vain; and that those speeches, which in their abridged state we read with listlessness, were heard with enthusiasm and roused an entire nation into action.

In this work the religious opinions of Shaftesbury are vindicated as orthodox; his contemporaries certainly considered him as inclined to deism. Burnet's opinion upon this subject has already been cited, and speaker Onslow in a note upon this passage, published in the recent editions, relates an anecdote somewhat corroborating the bishop's account. Shaftesbury was one day con-

versing in a whisper with a friend, while a lady related to him was in another part of the room. As the conversation proceeded, the earl became less conscious of the lady's presence, and at last observed loud enough to be heard: "Men of sense are all of one religion." "And what religion is that?" unexpectedly inquired the lady. The earl turning round and bowing replied, "That, madam, men of sense never tell."

There is philosophy in this reply. Whatever Shaftesbury's opinions were, he never sought to disseminate them during his life, and he left no record of them to be published after his death. The testimony of his contemporaries is indeed so nearly unanimous upon this point, that it is difficult to disbelieve them without some more specific proof than is here adduced; but if such were his sentiments, he had at least a merit exceedingly rare among those who think with him. His opinions, though noxious, he confined to his own breast; and as he thus kept them from inflicting any injury upon society, they form no ground for influencing the judgment of posterity.]

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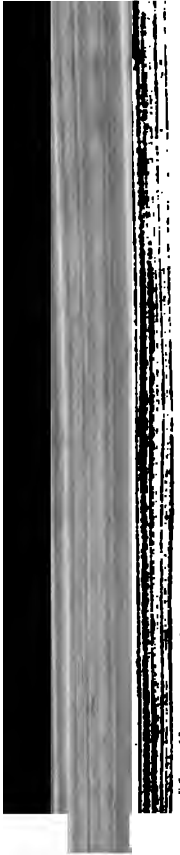
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